2026 INSC 1136

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO._____OF 2026

(ARISING OUT OF SPECIAL LEAVE PETITION (CIVIL) NO. 4216 OF 2020)

R. SARAVANAN **...Appellant(s)**

VERSUS

PERIYAR UNIVERSITY REP BY ITS REGISTRAR & ORS. **...Respondent(s)**

J U D G M E N T

SHREE CHANDRASHEKHAR, J.

This Special Leave Petition has been filed against the judgment of reversal and raises an important question of law as to the extent of powers and jurisdiction of the High Court under Clause 15 of the Letters Patent of Madras High Court. Putting it precisely, the question that falls for consideration is whether the Letters Patent Bench can interfere with the decision of writ Court exercising powers under Article 226 of the Constitution of India, merely because it held a different view in the matter.

2. Leave granted.

3. R. Saravanan, who was the Deputy Registrar of the Periyar University, is aggrieved by the judgment delivered by a Division Bench

of the High Court of Judicature at Madras in an intra-Court Appeal[1] filed by the Periyar University by which the writ Court's order interfering with the order of punishment has been set aside and the punishment of removal from service awarded to the appellant has been restored.

4. The appellant was appointed on 2nd May 2000 on the substantive post of Assistant Registrar by following due procedure for appointment on the said post. While he was working as the Deputy Registrar, a complaint regarding his assets was received in the Department of Higher Education and the Registrar (I/c) of the Periyar University was directed by a letter dated 4th June 2008 to conduct a departmental preliminary inquiry. The letter dated 4th June 2008 was followed by further directions to the Vice Chancellor, as contained in the letters dated 24th December 2008 and 10th February 2009, to constitute an Inquiry Committee to look into the allegations of amassing of wealth by the appellant disproportionate to his known sources of income. The appellant appeared before Three-member Committee so constituted pursuant to the aforementioned directions and submitted his reply. It is stated that the appellant who was holding the administrative charges in the University threatened the Committee members and refused to cooperate with the inquiry. Whereafter, the University constituted One-man Commission on 19th April 2011 to conduct an inquiry into the allegations against the appellant. The Commission submitted a report wherein a few charges against the appellant were held to be proved; of

[1] W.A. No. 2329 of 2018

which three charges, namely, Charge Nos. 1, 4 and 10 are only relevant. The allegation against the appellant under Charge No. 1 was that he influenced the Authority to grant affiliation to Ganga College of Education in which his wife was a Managing Trustee. The Charge No. 4 related to a house property at Periyar Nagar in the name of the appellant's mother which was allegedly purchased by him without due permission from the University. The appellant had a Santro car worth Rs. 4 lakhs which he was alleged to have purchased beyond his regular source of income and thus, committed a misconduct. This was Charge No. 10.

5. By a communication dated 26th July 2013, the appellant was informed that the report of One-man Commission was considered and the findings thereof were accepted by the Syndicate which took a decision to remove him from service with effect from 27th July 2013. Aggrieved thereby, the appellant invoked jurisdiction of the High Court under Article 226 of Constitution of India in W.P. No. 23936 of 2013 to challenge the removal order dated 26th July 2013 with a prayer for his reinstatement in service and consequential benefits.

6. The appellant contended that One-man Commission had no authority to frame charges; it was constituted merely to verify the facts. According to him, the inquiry conducted by One-man Commission was without authority of law and the order of removal from service was void. On the other hand, the Periyar University raised an objection to maintainability of the writ petition on the ground that the appellant did

not exhaust his statutory remedy of appeal under Rule 19 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 (in short, T.N. Service Rules) against the order of removal from service. The University further contended that there was no bar in law to conduct the domestic inquiry against the appellant through One-man Commission headed by a retired Judicial Officer.

7. The writ Court examined the report of One-man Commission and held that the findings recorded by the Commission were not based on any material on record. The writ Court referred to the decisions in *"Bharat Iron Works v. Bhagubhai Balubhai Patel & Ors."*[2] and *"Rajinder Kumar Kindra v. Delhi Administration through Secretary (Labour) & Ors."*[3], wherein this Court has held that a finding recorded by the Authority would be perverse if there is no evidence to support such finding, and formed an opinion to interfere with the decision of the University to impose the penalty of removal from service upon the appellant. In the Writ Appeal filed under Clause 15 of the Letters Patent, the Division Bench of the High Court of Judicature at Madras re-appreciated the materials produced in the domestic inquiry and came to a conclusion that the report of One-man Commission is corroborated by the documentary evidence produced by the Periyar University in course of the inquiry against the appellant. Upon such a finding, the Letters Patent Bench has interfered with the order passed by writ Court.

[2] Bharat Iron Works v. Bhagubhai Balubhai Patel & Ors. : (1976) 1 SCC 518
[3] Rajinder Kumar Kindra v. Delhi Administration through Secretary (Labour) & Ors. : (1984) 4 SCC 635

8. The appellant who is a Government servant appointed on a substantive post has a right to hold such post. He is protected under Article 311 of the Constitution of India and he cannot be dismissed or removed from service or reduced in rank by an authority subordinate to the Appointing Authority. He is also protected against an order of dismissal or removal from service or reduction in rank without being heard. Therefore, a domestic inquiry is conducted against the Government servant by supplying him written grounds of charge(s) which is commonly known as memorandum of charges, if a major penalty is proposed against him, and he is afforded a reasonable opportunity to defend himself. True it is, that these Constitutional safeguards are embedded in the statutory Rules applicable to the employees of the University and the domestic inquiry against the appellant was required to be conducted following the statutory Rules.

9. Clause (13) under Chapter VIII of the Statutes of the Periyar University provides that the T.N. Service Rules shall apply to the employees of the University. Under these Rules, the employee of the University is required to be supplied a statement of allegations in the domestic inquiry where it is proposed to impose a major penalty. The employee of the University can file a written statement of defence and is entitled to have a copy of the inquiry report. He shall be provided a reasonable time, but ordinarily not exceeding one month, to show cause against the findings recorded in the inquiry report. However, the procedural requirements can be waived off in exceptional cases for special and sufficient reasons to be recorded in writing, that there is

difficulty in observing such requirements. The Rules further provide that the Competent Authority may impose minor as well as major penalty upon the employees of the University for good and sufficient reason. This is a common ground that the memorandum of charges served upon the appellant contained specific imputations of misconduct which were required to be examined in a properly constituted domestic inquiry. The appellant, however, contends that neither any disciplinary proceeding was initiated nor was an Inquiry Officer appointed to look into the allegations of misconduct committed by him and, that the proceedings before One-man Commission were held in breach of the statutory Rules and natural justice.

10. The rules of natural justice require a reasonable opportunity of hearing to a Government servant before a decision is taken against him. These rules presuppose that the administrative and quasi-judicial inquiries are held in good faith and without bias. However, a complaint regarding violation of the rules of natural justice must be examined on the facts and circumstances of the case. There are different facets of natural justice, all of which or some of which may not apply in every case. It is, therefore, necessary to examine the nature of complaint and the consequences thereof. Ultimately, it comes to whether any prejudice has been caused to the Government servant on account of violation of natural justice or breach of any procedural requirement under the statutory Rules. However, every minor violation in observing the procedural requirement shall not vitiate the inquiry or the punishment imposed upon the delinquent employee, if it does not entail any

prejudice to the Government servant. This Court has held on many occasions that a distinction has to be drawn between the cases of substantive violation and technical infringement of the rules of natural justice (see "*Viveka Nand Sethi v. Chairman, J&K Bank Ltd. & Ors.*"[4]; "*State of U.P. v. Neeraj Awasthi & Ors.*"[5]; "*Mohd. Sartaj v. State of U.P. & Ors.*"[6]; "*P.D. Agrawal v. State Bank of India & Ors.*"[7]). It is also necessary to examine whether the Government servant had clear and sufficient knowledge of the proceedings against him and whether he participated in the inquiry without any demur or whether by raising a technical objection he is trying to make a mountain out of a molehill. There is also considerable unanimity of judicial opinion that the Courts can, in exercise of their discretion, refuse *certiorari*, *prohibition*, *mandamus*, or injunction even where the facts are admitted or beyond dispute and natural justice was not followed[8]. The case set up by the appellant before the writ Court has to be examined keeping in mind the aforesaid principles.

11. A memorandum of charges which contained imputations of misconduct on fourteen counts was furnished to the appellant on 6th June 2011 and he was given an opportunity to furnish his explanation. The appellant denied the charges and raised an objection that relevant documents relating to Charge Nos. 2, 3, 5, 6, 8, 9, 11 and 12 were not

[4] Viveka Nand Sethi v. Chairman, J&K Bank Ltd. & Ors. : (2005) 5 SCC 337
[5] State of U.P. v. Neeraj Awasthi & Ors. : (2006) 1 SCC 667
[6] Mohd. Sartaj v. State of U.P. & Ors. : (2006) 2 SCC 315
[7] P.D. Agrawal v. State Bank of India & Ors. : (2006) 8 SCC 776
[8] M.C. Mehta v. Union of India & Ors. : (1999) 6 SCC 237

supplied to him. Later, two additional charges *vide* Charge Nos. 13 and 14 were also framed but those were excluded from consideration and the punishment of removal from service is based on Charge Nos. 1, 4 and 10. The proceedings before One-man Commission were conducted on several dates including on 29th April 2011, 16th May 2011, 6th June 2011, 4th July 2011, 1st August 2011, 29th August 2011 and 30th August 2011 and sufficient opportunity was given to the parties to lead evidence. On behalf of the University, as many as 22 witnesses were examined in presence of the appellant between 29th August 2011 and 4th June 2012. The inquiry report of One-man Commission held Charge Nos. 1, 4, 10, 13 and 14 proved but the other charges were found not proved and the appellant was given an opportunity to offer his explanation as to the adverse findings recorded in the inquiry report. Having regard to these facts, the question raised by the appellant on the validity of domestic inquiry proceedings must be held untenable. We hold that One-man Commission conducted the proceedings as per the statutory Rules and the appellant had a clear understanding that he was facing a disciplinary proceeding.

12. The challenge to formation of One-man Commission to inquire into the charges against the appellant also must fail. Rule 17(g) of the T.N. Service Rules provides that the Disciplinary Authority can appoint an Authority to inquire into the charges against an employee of the University. The Commission was headed by a retired Judicial Officer and there is no dispute that he was appointed by the Competent Authority. The Rules further provide that the charges may be framed by

the Authorities directly higher to the delinquent Government servant even if they are not the Competent Authority to impose the penalty, and they may conduct the inquiry themselves or request the Competent Authority to appoint an officer to conduct the inquiry. There is a specific allegation against the appellant that he caused serious hindrances and created an atmosphere of fear due to which Three-member Committee could not proceed with the inquiry. *Vide* letter dated 19th April 2011, the appellant was informed that One-man Commission has been constituted and a memorandum of charges was served upon him. He had clear knowledge of the imputations against him and he was afforded full opportunity to put forth his defence. In response to the charges, he tendered his explanation and participated in the proceedings before the Commission. Even then, the constitution of One-man Commission was challenged by the appellant in W.P. No. 12510 of 2012 on various grounds wherein he agitated a specific grievance that the scope of inquiry by One-man Commission was to ascertain facts and that no departmental inquiry as per the Rules was conducted against him. However, this writ petition was dismissed as infructuous by an order dated 12th September 2017 and this order was never tested by the appellant by filing a Writ Appeal in the High Court.

13. It was next contended that the findings recorded in the inquiry report *qua* Charge Nos. 1, 4 and 10 were speculative and imaginary and not based on any incriminating material against the appellant. The witnesses who were examined in support of Charge No. 1 did not say anything in relation to the charge of influencing the Authority to grant

affiliation to Ganga College of Education where the appellant's wife was a Managing Trustee. Except observing that the appellant was holding a responsible position in the University, the Commission does not make a reference to any incriminating material against the appellant. Notwithstanding that, the Commission held the Charge No. 1 proved on the ground that the appellant "could have" influenced the Authority for granting affiliation to Ganga College of Education. The relevant portions of the inquiry report by One-man Commission are extracted below:

> "Since the deliquent *(sic)* was in the responsible position in the University, influence of this position in the University granting affiliation for the Ganga College during the year 2007 could not be ruled out. Hence the charge is proved."

14. Charge No. 4 has been held proved on the ground that the appellant failed to produce the title deed of the house property or any other document to establish that his mother is *bona fide* owner of the house in question. The Commission referred to Form 16 produced by the appellant which indicated that he was paying monthly instalments for the loan availed from HDFC Bank for construction of the said house. The appellant was a co-loanee for the housing loan, but the Commission observed that a co-loanee need not repay the loan unless he was 'the principal loanee'. The inquiry report of One-man Commission has discussed Charge No. 4 as under:

> "The deliquent *(sic)* stated that the house belonged to her mother and he was a co-obligant for the housing loan obtained for the construction of the house from the HDFC Bank, Salem.
>
> The deliquent *(sic)* also paid EMI regularly for the above loan from his salary account and client *(sic)* exemption from Income Tax for the said EMI as per Form 16 produced by him. The deliquent *(sic)* also confirmed the above fact vide his petition dt. 23.04.2012 submitted to the Commission. The deliquent *(sic)* also never obtained any permission for signing as Co-obligant in the loan

papers from the University. Without being a genuine principle loanee one need not repay the loan even in the capacity of Co-obligant.

The deliquent *(sic)* failed to produce the title deed of the property also and other relevant documents to establish the fact that his mother is the bonafide owner of the house.

Hence it is proved that he is the real owner of the property. Hence this charge is proved."

15. Under Charge No. 10, the possession of Santro car has been held to be a proved misconduct for the reason that the appellant did not obtain permission from the University for purchase of the car or to avail loan for that purpose. The conclusion of One-man Commission in the inquiry report on Charge No. 10 is as under:

"The deliquent *(sic)* admitted that the possessed Santro Car TN45 Q 5705 and for the purpose he got a loan of Rs.2,82,000/- (Rupees Two Lakhs eighty two thousand only) from the Centurion Bank, Coimbatore. He paid EMI Rs.6434/- also regularly from his monthly salary income. The deliquent *(sic)* failed to produce the permission obtained from the University for the purchase of the car and for the loan obtained for the purpose. Hence the charge is proved."

16. The domestic inquiry against a government servant is in the nature of a quasi-judicial proceeding. The inquiry is conducted to ascertain substance in the allegations of misconduct. The role of an Inquiry Officer in a domestic inquiry is to investigate the truth or otherwise of the imputations of misconduct. The Inquiry Officer discharges an important function and he is under a duty to follow the Rules and to assess the materials dispassionately but the Inquiry Officer does not assume the role of a prosecutor and it is not his duty to somehow hold the charges proved. Naturally the Inquiry Officer is not supposed to presume that the delinquent Government servant is guilty of misconduct. On the contrary, his duty is confined to sifting the evidence with a view to arrive at the truth.

17. The report of the Inquiry Officer is the fundamental document which may provide the departmental Authority a solid basis for coming to a conclusion whether the charges framed against the Government servant are proved or not, except in cases where the departmental Authority differs with the findings recorded by the Inquiry Officer. The inquiry report, therefore, assumes a great significance in the domestic inquiry. The findings recorded in the inquiry report must be supported by the materials on record. The Inquiry Officer while preparing his report should rely only on the evidence adduced during the domestic inquiry and he should not base his findings on mere conjectures and surmises. The decision of the Inquiry Officer should be based upon a conclusion that there is a preponderance of probability to hold the charges proved. This is also a bounden duty of the Inquiry Officer to record a just and reasonable decision. It is not necessary that there must be clear proof in support of the allegations of misconduct and the Inquiry Officer would be justified in recording a finding against the delinquent Government servant if there is some evidence to support the charges. But then, a finding not supported by any material on record must be held perverse. It is one thing to say that the Inquiry Officer may consider even hearsay evidence in the domestic inquiry, but it is not permissible in law that a finding can be returned on mere assumptions, suppositions, surmises and conjectures.

18. Under Article 226 of the Constitution, the High Court exercises plenary powers. The language used in Article 226 of the Constitution is

very wide and the powers of the High Court extend to issue orders, writs or directions including writs in the nature of *habeas corpus, mandamus, quo warranto, prohibition* and *certiorari* as may be necessary for enforcement of the fundamental rights and for other purposes as well. The High Court may issue a *certiorari* in a case where there has been a denial of natural justice or where a subordinate Tribunal is found to have acted wholly without jurisdiction. The Constitution Bench judgments in "*Hari Vishnu Kamath v. Ahmad Ishaque & Ors.*"[9] and "*The Custodian of Evacuee v. Khan Saheb Abdul Shukoor*"[10] firmly establish the powers of the High Court under Article 226 of the Constitution to issue a *certiorari* for correcting the errors of jurisdiction or where the inferior Court or Tribunal acted with material irregularity. In "*T.C. Basappa v. T. Nagappa*[11]" this Court held that a *certiorari* lies in all the appropriate cases and is generally granted when a Court is seen to have acted without or in excess of its jurisdiction. A decade thereafter, this Court reiterated the same principles in "*Syed Yakoob v. K. S. Radhakrishnan*"[12] and the law on the subject continues to be the same even today. Speaking for the Constitution Bench, Mr. Justice P. B. Gajendragadkar (as the learned Chief Justice then was) wrote the following passage:

> "The question about the limits of the jurisdiction of High Courts in issuing a writ of certiorari under Art. 226 has been frequently considered by this Court and the true legal position in that behalf is no longer in doubt. _A writ of certiorari can be issued for correcting errors of jurisdiction committed by inferior Courts or tribunals : these are cases where orders are passed by inferior Courts

[9] Hari Vishnu Kamath v. Ahmad Ishaque & Ors. : AIR (1955) SC 233
[10] The Custodian Of Evacuee v. Khan Saheb Abdul Shukoor : AIR (1961) SC 1089
[11] T.C. Basappa v. T. Nagappa : AIR (1954) SC 440
[12] Syed Yakoob v. K. S. Radhakrishnan : AIR (1964) SC 477

> or tribunals without jurisdiction, or is in excess of it, or as a result of failure to exercise jurisdiction. A writ can similarly be issued where in exercise of jurisdiction conferred on it, the Court or Tribunal acts illegally or improperly, as for instance, it decides a question without giving an opportunity to be heard to the party affected by the order, or where the procedure adopted in dealing with the dispute is opposed to principles of natural justice. There is, however, no doubt that the jurisdiction to issue a writ of certiorari is a supervisory jurisdiction and the Court exercising it is not entitled to act as an appellate Court. This limitation necessarily means that findings of fact reached by the inferior Court or Tribunal as a result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however, grave it may appear to be. In regard to a finding of fact recorded by the Tribunal, a writ of certiorari can be issued if it is shown that in recording the said finding, the Tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Similarly, if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari." (emphasis supplied).

19. Any discussion on the powers of the writ Court is not complete without referring to well-known limitations in law to issue writ. In "*State of Maharashtra v. Prabhu*"[13] this Court held that the exercise of powers by the writ Court should be for the sake of justice and the writ Court may refrain from exercising its powers where interference with the order under challenge may result in greater harm to the society. In "*Ritesh Tewari v. State of U.P.*" [14] this Court held that a writ can be issued only in case of a grave miscarriage of justice or where there has been a flagrant violation of law. The High Court should also refrain from entering into the field of investigation which may be more appropriate for a civil Court to do so in a properly instituted suit. True, the jurisdiction under Article 226 of the Constitution is not intended to replace an ordinary remedy by way of a suit[15]. In "*Mohammad Hanif v. State of Assam*"[16] this Court held that the writ remedy would not be

[13] State of Maharashtra v. Prabhu : (1994) 2 SCC 481
[14] Ritesh Tewari v. State of U.P. : (2010) 10 SCC 677
[15] Mohan Pandey v. Ushal Rani Rajgaria (1992) 4 SCC 61
[16] Mohammad Hanif v. State of Assam : (1969) 2 SCC 782

appropriate in a case where the decision by the High Court may amount to a decree declaring a party's title and the restoration of possession.

20. What follows from the aforementioned judicial precedents is that the High Court may exercise its jurisdiction where there is an error apparent on the face of record and such error has resulted in manifest injustice to a party. What the inquiry report has unfolded is that the appellant has been pronounced guilty without evidence. What could be the worse kind of injustice to him than to hang him only on hearsay. There is a complete lack of essential evidence to record a finding of guilt against the appellant. The order of removal from service does not record any reason why the Syndicate of the University accepted the report of One-man Commission. The Disciplinary Authority by accepting the report of One-man Commission completely overlooked that the findings recorded thereunder are based on conjectures and surmises. The said report draws inferences which legally cannot be held against the appellant. The Disciplinary Authority while imposing punishment of removal from service, without any legally admissible evidence, acted in breach of natural justice. The writ Court was right in examining the findings recorded in the report of One-man Commission to ascertain whether to exercise the discretion under Article 226 of the Constitution. Mr. Romy Chacko, the learned senior counsel for the Periyar University would, however, contend that the writ Court cannot convert itself into a Court of Appeal and examine for itself the correctness of the decision taken by the departmental Authority. But this question does not arise in this case because there is an appreciable difference between the

appraisal of evidence and total lack of evidence[3]. It is well remembered that a finding on perversity of a decision does not necessarily require a re-appraisal of evidence. In the opinion of the writ Court, the decision rendered in the domestic inquiry is perverse because there is no concrete evidence at all to support the charge of misconduct. A decision can also be labelled as perverse if the conclusion recorded in the domestic inquiry defies logic or is such that no reasonable person can arrive at a conclusion of guilt. Plainly speaking, if a decision on the face of it is found to be based on conjectures and surmises or where a decision is rendered by raising such inferences in law which are impermissible, the writ Court is not denuded of its power to interfere in the matter and remedy the injustice meted out to the Government servant.

21. Therefore, a finding recorded by the Inquiry Officer not supported by any evidence is open to challenge in a proceeding for *certiorari*. It is then not a matter in the realm of appreciation of evidence but really of recording a finding contrary to the materials on record. The issue is a pure question of law and amenable to writ jurisdiction. A *certiorari* may be granted where the statutory Authority acted without or in excess of its jurisdiction, or in breach of natural justice, or contrary to the applicable rules, or where the statutory Authority considered an irrelevant fact or omitted a relevant fact, or where the decision taken by the statutory Authority is hit by Wednesbury principle of unreasonableness. The departmental Authority may be competent to

enter upon an inquiry, but while making the inquiry it cannot act in flagrant disregard to the fundamental principles of law. A decision based on clear ignorance or disregard to the provisions of law or where there is a manifest error apparent on the face of the record is certainly amenable to a writ of *certiorari*.

22. There was one moment in the case when it was argued on behalf of the University that the petition under Article 226 of the Constitution filed by the appellant was not maintainable and the appellant was liable to be relegated to alternate remedy of appeal under Rule 19 of the T.N. Service Rules. This issue was not expressly decided by the writ Court and the Division Bench also did not advert to this point. However, this does not require a reference of any case law that the powers of writ Court are not restricted by any fetters except for some self-imposed restrictions. These powers are though discretionary, the High Court can exercise its jurisdiction under Article 226 of the Constitution in furtherance of justice, equity and good conscience. The powers of judicial review are also exercised by the High Court to examine the legality, irrationality or procedural impropriety in an order passed by the departmental Authority. Sometimes it may be a sound exercise of discretion to refuse to interfere with the order of the departmental Authority because there is a legal remedy available to the Government servant. But then, the rule of exhaustion of statutory remedy is a rule of convenience and not a rule of rigid application. It is a self-imposed limitation and does not create a bar or prohibition on exercise of the powers by the writ Court. The award of punishment of dismissal or

removal from service is the harshest measure of punishment and no less than death penalty for the Government servant. It has cascading effects and touches even the family of the employee. Such order of punishment entails forfeiture of all service-linked benefits accrued to the Government servant who is then rendered penniless. If such are the drastic consequences, the writ Court should not be a mute spectator. In appropriate cases, the writ Court is required to come out of the self-imposed bar and entertain the challenge laid to an order of punishment.

23. The writ Court held that the report of One-man Commission is based on 'no evidence' and the charges against the appellant have been found proved by raising impermissible inferences in law. Taking support from the decision in "*Delhi Cloth and General Mills Company v. Ludh Budh Singh*"[17], the writ Court held that it is the primary duty of the party making allegations to establish the misconduct. But neither any document was produced before One-man Commission nor was there any evidence that the appellant influenced the Authority to grant affiliation to Ganga College of Education. It further held that merely because he was one of the signatories to the concerned file no inference could have been drawn against the appellant that he influenced the Authority. The charges framed for the possession of a house property and for the purchase of Santro car were also held arbitrary and without any basis. The writ Court, therefore, held that the findings recorded in the inquiry report are without any factual basis or a foundation in law.

[17] Delhi Cloth and General Mills Company v. Ludh Budh Singh : (1972) 1 SCC 595

This is also a distinguishing feature of this case that the writ Court has confined itself to the perversity of the findings recorded in the inquiry report. However, the Letters Patent Bench reversed the findings recorded by the writ Court on the ground that the materials on record support the findings in the inquiry report. In doing so, the Letters Patent Bench re-appreciated the entire material produced in the domestic inquiry against the appellant which otherwise the Inquiry Officer or the departmental Authority alone could have examined. On mere conjectures, it held that the appellant had a vested interest in the matter, he misused his official position, and manipulated and secured affiliation to the college run by his wife. Contrary to the settled legal position that the party making an allegation is required to lead evidence, the Court raised an adverse inference against the appellant on the ground that he did not produce the documents of title which could have established ownership of the house property. It further held that the appellant had assets disproportionate to his known sources of income because he was paying monthly instalment for the house loan and also for the purchase of vehicle, though he was earning only Rs. 29,175/- per month.

24. The history of Letters Patent informs us that the establishment of the High Courts at Calcutta, Bombay and Madras was necessitated on account of uncertainty in the judicial administration during the East India Company regime in India. The Regulating Act of 1773 empowered the Crown by Charter to erect and establish a Supreme Court at Fort William with full power and charge to exercise and perform all civil,

criminal, admiralty and ecclesiastical jurisdictions in the Presidency towns. On 26th March 1774, a Charter was issued by King George III establishing a Court of Record, the Supreme Court of Judicature at Fort William in Bengal. Later, the Supreme Courts at Madras and Bombay were established by King George II. Under the Government of India Act, 1858, all territories in India came to be governed directly by and in the name of the Crown. Then came the Indian High Courts Act, 1861 (24-25 Victoriae Reginae) which was passed on 6th August 1861 declaring it lawful for Her Majesty, by Letters Patent under the Great Seal of United Kingdom, to erect and establish a High Court of Judicature at Fort William in Bengal and by like Letters Patent to erect and establish like High Courts at Madras and Bombay. Under the Indian High Courts Act, 1861, it was provided under 9th Section that each of the High Courts shall have and exercise, original as well as appellate, all such civil, criminal, admiralty, vice-admiralty, testamentary, interstate and matrimonial jurisdiction in the Presidency for which it was established. It was further provided that the High Courts shall exercise all such powers and authority for and in relation to the administration of justice in the Presidency for which it was established as Her Majesty may by such Letters Patent grant and direct, subject to limitations as may be prescribed. Under 10th Section, it was provided that all jurisdictions exercised by the Supreme Courts of Calcutta, Madras and Bombay over the inhabitants of such parts of India shall be exercised by such High Courts until the Crown otherwise provides.

25. A Letters Patent is a form of grant by the British Sovereign to the patentee of some dignity, office, privilege, franchise or monopoly, including monopoly rights in an invention.[18] Sir William Blackstone[19] commented on the nomenclature of Letters Patent and said that they derive their name from the fact that they are not sealed up, but exposed to view, with a Great Seal pendant at the bottom, and are usually addressed by the Sovereign to all the subjects of the realm. The Letters Patent of 26th June 1862 which constituted the High Court of Judicature for the Presidency of Madras was replaced by the amended Charter of High Court dated 28th December 1865. Clause 15 of the Letters Patent of 1865 constituting the High Court of Judicature for the Presidency of Madras provided an appeal from the Courts of original jurisdiction to the High Court in its appellate jurisdiction, as under:

> "15. Appeal from the Courts of original jurisdiction to the High Court in its appellate jurisdiction.- And We do further ordain that an appeal shall hie to the said High Court of Judicature at Madras from the judgment (not being a sentence or order passed or made in any criminal trial) of one Judge of the said High Court, or of one Judge of any Division Court, pursuant to section 13 of the said recited Act; and that an appeal shall also lie to the said High Court from the judgment, not being a sentence or order as aforesaid, of two or more Judges of the said High Court, or of such Division Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the said High Court at the time being; but that the right of appeal from other judgments of Judges of the said High Court, or of such Division Court, shall be to Us, Our heirs or successors, in Our or their Privy Council, as hereinafter provided."

26. The Letters Patent of Madras High Court was further amended on 3rd November 1927 by the Order in Council which in its present form reads as under:

[18] Michael Ray "Letters Patent", Encyclopaedia Britannica, available at <https://www.britannica.com/topic/letters-patent> (last visited on 15.10.2026)

[19] Blackstone's Commentaries on the Laws of England, Vol. II, pp. 284-85.

> "15. Appeal from the Courts of original jurisdiction to the High Court in its appellate jurisdiction - And We do further ordain that an appeal shall lie to the said High Court of Judi-cature at Madras from the judgment (not being a judgment passed in the exercise of appellate jurisdiction in respect of a decree or order made in the exercise of appellate jurisdiction by a Court subject to the superintendence of the said High Court, and not being an order made in the exercise of revisional jurisdiction, and not being a sentence or order passed or made in the exercise of the power of superintendence under the provisions of Section 107 of the Government of India Act, or in the exercise of criminal jurisdiction) of one Judge of the said High Court or one Judge of any Division Court, pursuant to Section 108 of the Government of India Act, and that notwithstanding anything herein before provided an appeal shall lie to the said High Court from a judgment of one Judge of the said High Court or one Judge of any Division Court, pursuant to Section 108 of the Government of India Act made (on or after the Ist day of February, 1929) in the exercise of appellate jurisdiction in respect of a decree or order made in the exercise of appellate jurisdiction by a Court subject to the superintendence of the said High Court, where the Judge who passed the judgment declares that the case is a fit one for appeal, but that the right of appeal from other judgments of Judges of the said High Court or of such Division Court shall be to Us, Our Heirs of Successors in Our or Their Privy Council, as hereinafter provided."

27. It is under above quoted Clause 15 of the Letters Patent of Madras High Court that the Division Bench of the High Court exercises the powers of the appellate Court. It provides that an appeal shall lie to the Division Bench under the Letters Patent from the judgment of Single Judge of the High Court, except against the judgments prohibited by Clause 15. That is to say, no appeal shall lie against the judgment of Single Judge of the High Court passed in exercise of the appellate jurisdiction in respect of a decree or order made in exercise of the appellate jurisdiction by a Court subject to the superintendence of the said High Court, and not being an order made in exercise of the revisional jurisdiction, and not being a sentence or order passed or made in exercise of power of superintendence under Section 107 of the Government of India Act, 1919, or in exercise of the criminal jurisdiction. There is unanimity of judicial opinions that the Letters

Patent is a subordinate legislation.[20] This is also well settled that a Letters Patent Appeal against the judgment of a Single Judge of the High Court does not stand on the same footing as a Second Appeal. The judgments of this Court hold that the Letters Patent Appeal lies on a question of law and on questions of fact as well and it is open to the Letters Patent Bench to deal with all issues that can be examined by the writ Court and to review even findings of fact (see, "*Asha Devi v. Dukhi Sao & Anr.*"[21], "*B. Venkatamuni v. C.J. Ayodhya Ram Singh & Ors.*"[22], "*Gaudiya Mission v. Shobha Bose & Anr.*"[23], "*Sachida Nand Lal v. State of Bihar*"[24], "*Chatti Konati Rao & Ors. v. Palle Venkata Subba Rao*"[25]). Mostly the decisions of this Court deal with the powers of the Letters Patent Bench with reference to interference with the concurrent findings of fact. This question came up before this Court in "*Alapati Kasi Viswanatham v. A. Sivarama Krishnayya*"[26], wherein a 5-Judge Bench of this Court examined the powers of the Letters Patent Bench *vis-a-vis* powers of the Appellate Court under section 100 of the Code of Civil Procedure. A similar question arose in "*Asha Devi*"[21] wherein this Court referred to "*Alapati Sivaramakrishnayya*"[26] and held as under:

> "The only question is whether the power of a Division Bench hearing a Letters Patent appeal under clause 10 of the Letters Patent of Patna High Court or its analogous provisions in the Letters Patent of other High Courts is limited only to a question of law under Section 100 of the Code of Civil Procedure or has it the same power which the Single Judge has as a first appellate court in

[20] P.S. Sathappan v. Andhra Bank Ltd. & Ors.: (2004) SCC 672
[21] Asha Devi v. Dukhi Sao & Anr. : (1974) 2 SCC 492
[22] B. Venkatamuni v. C.J. Ayodhya Ram Singh & Ors. : (2006) 13 SCC 449
[23] Gaudiya Mission v. Shobha Bose & Anr. : (2008) 17 SCC 714
[24] Sachida Nand Lal v. State of Bihar : (2008) 17 SCC 596
[25] Chatti Konati Rao & Ors. v. Palle Venkata Subba Rao : (2010) 14 SCC 316
[26] Alapati Kasi Viswanatham v. A. Sivarama Krishnayya : CA No. 232 of 1961, decided on January 11, 1963

respect of both questions of fact and of law. The limitations on the power of the Court imposed by Sections 100 and 101 of the Code of Civil Procedure cannot be made applicable to an appellate court hearing a Letters Patent appeal from the judgment of a Single Judge of that High Court in a first appeal from the judgment and decree of the Court subordinate to the High Court, for the simple reason that a Single Judge of the High Court is not a court subordinate to the High Court. This Court in Ladli Prasad Jaiswal v. Karnal Distillery Co. Ltd. [(1964) 1 SCR 270] had occasion to observe that a Single Judge deciding a first appeal may be a court immediately below the Court hearing a Letters Patent appeal, but it is not a court subordinate to the High Court. As long ago as 1895, a similar question arose under the provisions of Chapter XLII of Act No. 14 of 1882 which were analogous to the provisions of Sections 100 and 101 of the Code of Civil Procedure. A Bench of the Allahabad High Court consisting of Edge, C.J. and Banerji, J. in Umrao Chand v. Bindraban Chand [ILR 17 All 475] after noticing the contention that the appeal before them could not be dealt with in the same way in which the first appeal to the High Court might be dealt with would place the appeal under Section 10 of the Letters Patent in the same position as an appeal to which Chapter XVII of the Code of Civil Procedure applies, held that no such limitation would apply because Chapter XVII limits the right of appeal from a decree passed in appeal by a court subordinate to the High Court. They observed that the appeal to the High Court having been a first appeal and not an appeal to which Chapter XVII of the Code of Civil Procedure applies, the parties to the appeal are entitled to question not only the law, but the findings of fact of the Judge of that court from whose judgment or decree that appeal had been brought under clause 10 of the Letters Patent. It would be otherwise, if the appeal to that court had been an appeal to which Chapter XVII of the old Code of Civil Procedure applied. To the same effect are the decisions in_Mulpura Venkataramayya v. Devabhaktuni Kesavanarayana [AIR 1963 AP 447, 448 (FB)], Messrs Baldeo Das Ram Narayana v. Smt Maina Bibi [76 CWN 996, 1002] which followed the decision of Andhra Pradesh High Court in _Ramsarup Singh case; Nilkanth Mahaton v. Munshi Singh_ [AIR 1965 Pat 141]; _Maimoon Bibi v. O.A. Khajee Mohideen [AIR 1970 Mad 200, 203]; Velji Bhimsey & Co. v. Bachoo Bhaidas_ [ILR 48 Bom 691, 696], in which it was observed that under clause 15 of the Letters Patent an appeal lies from that decree, without any limitation being imposed upon the powers of the appeal court and the whole decree lies open before the Court; _Pt. Devi Charan v. Durga Porshad_ [AIR 1967 Del 128, 130] and _Bawa Singh v. Jagdish Chand_ [AIR 1960 Punj 573, 574-575]. We may also mention that a five-Judges Bench of this Court in _Alapati Kasi Viswanatham v. A. Sivarama Krishnayya_ [CA No. 232 of 1961, decided on January 11, 1963] — an unreported judgment — had dealt directly with this question. Wanchoo, J. speaking for the Court observed:

> "The first contention urged before us on behalf of the appellant is that the Letters Patent Bench was not authorised in law to reverse the concurrent findings of fact of the Subordinate Judge and the learned Single Judge of the High Court. It is submitted that a Letters Patent appeal stands on the same footing as a second appeal and it was therefore not open to the Letters Patent Bench to reverse the concurrent findings of fact of the two Courts below. We are of opinion that this contention is not correct. A Letters Patent appeal from the judgment of a learned Single Judge in a first appeal to the High Court is not exactly equivalent to a second appeal

> under Section 100 of the Code of Civil Procedure, and therefore it cannot be held that a Letters Patent appeal of this kind can only lie on a question of law and not otherwise. The matter would have been different if the Letters Patent appeal was from a decision of a learned Single Judge in a second appeal to the High Court. In these circumstances it will be open to the High Court to review even findings of fact in a Letters Patent appeal from a first appeal heard by a learned Single Judge, though generally speaking the Letters Patent Bench would be slow to disturb concurrent findings of fact of the two courts below. But there is no doubt that in an appropriate case a Letters Patent Bench hearing an appeal from a learned Single Judge of the High Court in a first appeal heard by him is entitled to review even findings of fact. The contention of the appellant therefore that the Letters Patent Bench was not in law entitled to reverse the concurrent findings of fact must be negatived."”

28. However, the jurisdiction of the Letters Patent Bench to interfere with the concurrent findings of fact should not be understood as if the Letters Patent Bench can interfere in every matter because it is exercising the powers of the appellate Court. The jurisdiction of the Letters Patent Bench to examine a question of fact is not without fetters. The Letters Patent Bench can be justified in reopening a question of fact if it necessarily touches upon the merits of the case and is likely to have a bearing on the decision in the case. It may be argued that the Letters Patent Bench of the High Court is entitled to review findings of fact. But what is necessary to keep in mind is that there is an inherent limitation on exercise of powers by the appellate Bench. This is one of the well settled legal principles that the appellate Court should not interfere with the judgment of the Court of first instance unless a clear mistake which will change the outcome of the case is found to have been committed by the Court. The Letters Patent Bench should ordinarily be slow and refrain from interfering with the discretion exercised by the writ Court under Article 226 of the Constitution. A Letters Patent Bench sitting as a Court of Correction exercises the same jurisdiction as is vested in the

Single Judge but the Letters Patent Bench is required to give due weight to the decision of the writ Court where it has exercised its discretion on relevant considerations.

29. There may be different situations and the aggrieved party may raise a host of grounds before the Letters Patent Bench. Some of the grounds may be based on a question of law and the other may be just a question of fact. The aggrieved party may also raise issues pertaining to appreciation of evidence. But the Letters Patent Bench can interfere in the matter only where the findings are demonstrably erroneous and the mistake is glaring on the face of record. There must exist cogent grounds and such grounds are not projected on some minor mistake in the judgment under challenge. The Letters Patent Bench is not entitled to interfere with the decision of writ Court on mere showing of some error of fact or in law. If the decision rendered by the writ Court in exercise of the powers under Article 226 of the Constitution is in furtherance of justice, equity and good conscience and is not against public policy then the Letters Patent Bench constituted under Clause 15 of the Letters Patent of Madras High Court or similar provisions of the Letters Patent of other High Courts cannot exercise its appellate jurisdiction under the Letters Patent to interfere with the writ Court's decision. Simply put, the Letters Patent Bench can not interfere with the decision rendered by the writ Court which is otherwise just and reasonable.

30. With the foregoing discussions in mind, we have examined the judgment rendered by the Division Bench of Madras High Court and

find that a well-reasoned decision of the writ Court has been interfered by the Division Bench without any cogent and justifiable reason. The Division Bench of Madras High Court exercised the jurisdiction under Clause 15 of the Letters Patent in a matter where no ground for interference was available. The judgment dated 29th August 2019 rendered in W.A. No.2329 of 2018 is, therefore, set aside and the decision rendered by the writ Court in W.P. No.23936 of 2013 is restored.

31. Civil Appeal is allowed in the aforesaid terms. There shall be no order as to costs.

32. Pending applications stand disposed of.

....., J.
(PRASHANT KUMAR MISHRA)

....., J.
(SHREE CHANDRASHEKHAR)

NEW DELHI;
OCTOBER 16th, 2026.