

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5074 of 2015

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Beena Devi. Wife of Shiv Narayan Ram. Resident of village - Sonama, P.S.-
Bakhari, District – Begusarai

.... **Petitioner**

Versus

1. The State of Bihar, through the Commissioner, Munger.
2. District Magistrate, Begusarai.
3. District Programme Officer, Begusarai.
4. Child Development Project Officer, Begusarai.
5. Usha Kumar, Mukhia Gram Panchayat Raj, Sonma, Block - Garpura, District – Begusarai.

.... **Respondents**

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Appearance :

For the Petitioner : Mr. Sandip Kumar, Advocate and
Mr. Murli Dhar, Advocate

For the Respondents : Mr. Mukund Mohan Jha, AC to GP 17

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-07-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

Grievance of the writ petitioner is that order dated
3.1.2015, passed in Service Appeal No. 20 of 2014 rejecting
petitioners' appeal, is a non speaking order. This Court would
consider it appropriate to reproduce the order which is as follows:-

“मुझे इस आदेश में कोई गलती प्रतीत नहीं होती है। समाहर्ता
ने उच्च न्यायालय के द्वारा दिये गये आदेश के क्रम में यह
आदेश पारित किया है। समाहर्ता, बेगूसराय के आदेश का
सम्पुष्ट किया जाता है। इस आदेश के साथ वाद का निस्तार
किया जाता है। मूल अभिलेख को समाहर्ता, बेगूसराय को वापस
भेजें।”

From bare perusal of the appellate order, it is evident that



there is total non application of mind. No reason whatsoever has been recorded in support of the decision. The Appellate authority has merely recorded that since order of the Collector has been issued upon remand by the High Court, therefore, the same is legal and valid. Reliance has been placed in case of **Pankaj Garg Vs Meenu Garg**, reported in (2013) 3 SCC 246 wherein the Hon'ble Apex court has held that it is well settled that an order which does not contain any reason is no order in the eye of law. Reference has also been made to a Division bench decision of this Court in case of **Hassan Muzahid Vs. The Bihar State Electricity Board and others**, reported in 2015(4) PLJR 435 which also reiterates that order passed by an authority without considering the grounds pleaded by delinquent employee is violative of the principles of natural justice.

The importance of assigning reasons has been emphasized repeatedly by this Court. Assigning reasons is essential to a fair procedure, to avoid arbitrariness and to minimize the scope of any injustice being caused.

The manner in which order has been passed by the Appellate authority renders the appellate forum to be an empty formality. Such non speaking order by the Appellate authority cannot be sustained. Time and again the Hon'ble the Apex Court has



held that such exercise of power by the authority who has to adjudicate upon the cause tends to be violative of one of the facets of the principles of natural justice and the opportunity given to an employee would be reduced to empty formality.

The Court is of the opinion that the order passed by the Appellate authority is unsustainable in law and the same is quashed. As a result of quashing of the Appellate order, the matter is remanded to the Appellate authority for reconsideration of petitioner’s appeal. Such consideration must be done after hearing the affected parties and appeal be disposed of by a reasoned and speaking order in accordance with law expeditiously.

The writ petition is allowed to the extent indicated above

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

