

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.507 of 2021**

**In**

**Civil Writ Jurisdiction Case No.9377 of 2020**

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Smt. Anita Kumari Wife of Yogendra Mandal, resident of village - Hanuman Nagar Choura, Ward No. 20, Block and P.S.- Madhepura, District - Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. The Director, I.C.D.S., Department of Social Welfare, Government of Bihar, Patna.
4. The Collector-cum-District Magistrate, Madhepura.
5. The District Programme Officer, I.C.D.S., Madhepura.
6. The Child Development Project Officer (C.D.P.O.), Madhepura, District - Madhepura.
7. Nooresa Khatoon, Wife of Md. Zulkar, resident of Village and P.O.- Hanuman Nagar Choura, Ward No. 20, Block and P.S. Madhepura, District - Madhepura.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Pramod Mishra, Advocate  
Mr. Suraj Kumar, Advcoate  
For the Respondent/s : Mr. Sangha Mitra Ghosh AC to GA-7  
Mrs. Susmita Ojha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**

**and**

**HONOURABLE MR. JUSTICE ARUN KUMAR JHA**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 25-01-2023**

**Re: I.A. No. 01 of 2022**

Heard I.A No. 01 of 2022 for condonation of delay in



filing L.P.A. For the reasons stated in the application and affidavit and the fact that order of the learned Single Judge order dated 24.03.2021 was passed during Covid Period hence delay of about 3 months and 27 days in filing L.P.A. is condoned. I.A. stands allowed.

2. In the instant L.P.A, appellant has assailed the order of the learned Single Judge dated 24.03.2021 passed in C.W.J.C. No. 9377 of 2020.

3. Prayer of the appellant in C.W.J.C. prayed as under:-

“That the petitioner craves for indulgence of this Hon’ble Court for granting the following reliefs:-

(i) setting aside the order dated 18.03.2020 passed by the Collector-cum-District Magistrate, Madhepura in Anganwari Appeal Case No. 44/2018, by which he was pleased to affirm the order dated 07.12.2018 passed by the District Programme Officer, Madhepura in Anganwari Case No. 03/2018 cancelling the selection of petitioner as Sevika of Aganwari Centre No. 20, Hanuman Nagar Choura, Gram Panchayat-Maheshua, District-Madhepura, although the said learned Collector, Madhepura vide his earlier order dated 18.12.2017 passed in Anganwari Appeal Case No. 03/2016 has set-aside the Memo No. 93 dated 18.01.2016 cancellation of selection of that very petitioner on the post in question by the said District Programme Officer,



Madhepura remanding back the matter before him for passing the fresh order in accordance with law.

(ii) setting aside the order dated 07.12.2018 passed by the District Programme Officer, Madhepura in Anganwari Case No. 03/2018 cancelling the selection of petitioner on the post in question on the nonest ground, only on relying upon the submission of Private Respondent No. 7 namely Nooresa Khatoon.

(iii) commanding and directing the Respondents concerned to reinstate the petitioner on her post with all consequential benefits.

(iv) And/or any other relief or reliefs for which the petitioner is found entitled to in the facts and circumstances of this case.”

4. Learned Single Judge passed the order on 24.03.2021 reads as under:-

“Heard learned counsel for the petitioner and the respondents.

After going through the materials available on record, the Court does not find any arbitrariness in the decision making process inasmuch as the reason for rejection is as per the guideline for selection and, as such, the Court is not inclined to interfere with the impugned order. The writ application is dismissed.”

5. Reading of the order of the learned Single Judge, one cannot draw any inference about what are the facts of the case and what is the grievance of the appellant and moreover,



there is no minimum discussion. Learned Single Judge's order must be speaking, since it is further judicial review before the L.P.A. bench. Reading of the learned Single Judge's order, one cannot draw inference that whether facts of the case and grounds have been considered or not? At this stage, it is necessary to take note of Apex Court's decision in the case of ***Kranti Associates Pvt. Ltd. and Another Vs. Masood Ahmed Khan and Ors.*** Reported in ***(2010) 9 SCC (para – 47)***.

6. Para 47 reads as under:-

“47. Summarising the above discussion, this Court holds:

(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

(d) Recording of reasons also operates as valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

(e) Reasons reassure that discretion has been exercised by the decision - maker on relevant grounds and by disregarding extraneous considerations.

(f) Reasons have



virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

(g) Reasons facilitate the process of judicial review by superior courts.

(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision - making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reason or "rubber-stamp reasons" is not to be equated with a valid decision-making process.



(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor).

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain EHRR, at 562 para 29 and Anya v. University of Oxford, wherein the Court referred to Article 6 of the European Convention of Human Rights which requires, “adequate and intelligent reasons must be given for judicial decisions”.

(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of “due process”.

7. The order of the learned Single Judge is contrary to the principle laid down in the aforementioned decision.

8. Accordingly, order of the learned Single Judge dated 24.03.2021 passed in C.W.J.C. No. 9377 of 2020 stands set aside. In the result, C.W.J.C. No. 9377 of 2020 stands restored on the file of the learned Single Judge.



9. Registry is hereby directed to list C.W.J.C. before the Roster bench at the earliest. The learned Single is hereby requested to decide the C.W.J.C. No. 9377 of 2020 within a reasonable period of 6 months from today.

10. Accordingly, present L.P.A. stands allowed.

**(P. B. Bajanthri, J)**

**( Arun Kumar Jha, J)**

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