

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.735 OF 2014

GOA PUBLIC SERVICE
COMMISSION AND ANR.

....PETITIONERS

Versus

THE GOA STATE
INFORMATION
COMMISSIONER (DELETED
VIDE ORDER DATED
13/02/15) AND ANR.

....RESPONDENTS

**Mr. Dattaprasad Lawande with Mr. P. Dangui, Advocates for
the Petitioners.**

CORAM: M. S. SONAK, J.

DATE : 3rd FEBRUARY 2023

ORAL ORDER :

1. Heard Mr. D. Lawande for the petitioners.
2. The challenge is to the order dated 14.11.2014 and 18.11.2014 directing the GPSC to furnish information to respondent no.2.
3. The interim relief was granted in this petition on 21.11.2014 and this petition was admitted on 27.02.2015. Though the respondents are served, there is no appearance on their behalf. From time to time, this matter was directed to be posted for final hearing.

4. Since there was an interim relief operating in this petition, it is possible that the respondent no.2 has lost interest in seeking the information which she had applied for.

5. Be that as it may, from the perusal of the impugned orders, it is apparent that they were passed when the GPSC was seeking a short accommodation/adjournment. That apart, the orders contain no reasons whatsoever. On this short ground, the impugned orders are set aside because furnish of at least brief reasons is now accepted as a facet of the principles of natural justice. Mr. Lawande relies on *Chairman and Managing Director, United Commercial Bank & Ors. V/s. P.C. Kakkar*¹ in support of his contention that the duty to record reasons is an essential facet of the Court.

6. In the above decision, the Hon'ble Supreme Court has made the following observations :

"The giving of reasons is one of the fundamentals of good administration". In Alexander Machinery (Dudley) Ltd. V/s. Crabtree² it was observed: "Failure to give reasons amounts to denial of justice". Reasons are live links between the mind of the decision taker to the controversy in question and the decision or conclusion arrived at". Reasons substitute subjectivity by objectivity. The emphasis on recording reasons is that if the decision reveals the "inscrutable face of the sphinx", it can, by its silence, render it

1 (2003) 4 SCC 364

2 1974 LCR 120

virtually impossible for the Courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. Right to reason is an indispensable part of a sound judicial system. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made, in other words, a speaking out. The "inscrutable face of a sphinx" is ordinarily incongruous with a judicial or quasi-judicial performance."

7. For the above reasons, the impugned order is set aside. The matter is remanded to the State Information Commission for disposal of the proceedings afresh and in accord with law. The State Information Commissioner, would now certainly take cognizance of the decision of the Hon'ble Supreme Court referred to above and dispose of proceedings by recording reasons howsoever brief such reasons may be.

8. Writ Petition is allowed in the above terms. There shall be no order for costs.

9. Mr. Lawande states that an authenticated copy of this order would be placed before the State Information Commissioner within two weeks from today. Further, he states that a copy of this order will also be sent to respondent no.2 by registered A/D.

10. All concerned to act on an authenticated copy of this order.

M. S. SONAK, J.

NITI K
HALDANKAR

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