

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 14648 of 2023

=====

Md. Jalil Uddin S/o Late Syed Zahir Uddin R/o Mohalla-Sherpur Chouhatta,
Khanchi Gali, P.S. Bihar Sharif, Distt-Nalanda. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Agriculture Department, New Secretariat, Government of Bihar, Patna.
2. The Secretary, Agriculture Department, New Secretariat, Government of Bihar, Patna.
3. The Director Agriculture, Directorate of Agriculture, Mithapur, Government of Bihar, Patna.
4. The Joint Director, Plant Protection, Mithapur, Government of Bihar, Patna.
5. The Assistant Director, Plant Protection, Nalanda.
6. The Deputy Director, Agriculture Cum Public Information Officer, Directorate of Agriculture, Bihar, Patna.

... .. Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate
For the Respondent/s : Mr. Anant Pd. Singh (Sc15)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 01-04-2024

1. The present writ petition has been filed seeking the following relief(s):-

“1 That, this is an application for issuance of an appropriate writ/writs, order/orders, direction/directions in the nature of certiorari/mandamus for quashing of order as contained in memo no. 981 dated 16.8.2023 passed by the Director Agriculture (Respondent no.3), by which decision was taken to reject the claim of the petitioner for grant of MACP benefit on the



basis of un-communicated decision of the screening committee dated 21.7.2023 and further prayer for commanding and directing to the respondent authorities to grant benefits of 3rd A.C.P. i.e. MACP to the petitioner w.e.f. 1.1.2009 the date on which MACP scheme came into force along with its arrears & suitable interest & all consequential benefits from the date of completion of his 30 years of services. And for the other necessary relief or reliefs for which the petitioner is entitle to in accordance with law.”

2. At the outset, the learned counsel for the petitioner has submitted that a bare perusal of the impugned order dated 16.08.2023 would show that the name of the petitioner has been mentioned at internal page no.2 of the said order and it has been merely mentioned that he has not been granted the benefits of ACP/MACP scheme on account of “different-different” reasons, however, the reason have not been specified therein, hence the order dated 16.08.2023, is an unreasoned order, thus, the same is fit to be set aside.

3. Per contra, the learned counsel for the respondents has referred to the counter affidavit, filed in the present case to submit that on account of non-passing of the Hindi Noting and Drafting Exam and Departmental Accounts Examination by the



petitioner, the benefits of ACP/MACP scheme have not been granted to the petitioner.

4. To the aforesaid submissions made by the learned counsel for the respondents, the learned counsel for the petitioner has referred to the judgment, rendered by the Constitution Bench of the Hon'ble Apex Court, in the case of **Mohinder Singh Gill & Anr. vs The Chief Election Commissioner, New Delhi and Ors.**, reported in **(1978) 1 SCC 405**, to submit that the Hon'ble Apex Court has held that when a statutory functionary makes an order, based on certain grounds, its validity has to be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Thus, it is submitted that the respondents cannot be permitted to supplement reasons for justifying passing of the aforesaid order dated 16.08.2023.

5. I have heard the learned counsels for the parties and perused the materials on record, from which it is apparent that the impugned order dated 16.08.2023, does not contain any reason whatsoever to deny the petitioner the benefits of ACP/MACP scheme, hence is an unreasoned order, which depicts complete non-application of mind. It is a trite law that furnishing of clear, cogent and succinct reasons in support of the



impugned order is an indispensable component of a decision-making process, however, in the present case, no reason whatsoever has been furnished in support of the impugned order dated 16.08.2023, hence the same is arbitrary and contrary to law, thus is quashed, as far as the petitioner is concerned. Reference in this regard be had to a judgment, rendered by the Hon’ble Apex Court in the case of **Oryx Fisheries Pvt. Ltd. vs. Union of India**, reported in **(2010) 13 SCC 427**.

6. As a result of quashing of the order dated 16.08.2023, qua the petitioner herein, the matter is remanded back to the Director Agriculture, Directorate of Agriculture, Government of Bihar, Patna to reconsider the case of the petitioner for grant of the benefits of ACP/MACP scheme, without being impeded by the fact that the petitioner has not passed the departmental accounts examination. The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

Saurav/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.05.2024
Transmission Date	NA

