

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.85 of 2020

In

Civil Writ Jurisdiction Case No.10657 of 2005

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1. The Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, 5th Floor, Birchand Patel Path, Patna-1 through its Chairman-cum-Managing Director
 2. The Chairman-cum-Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Birchand Patel Path, Patna-1
 3. The Chief of Administration, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Birchand Patel Path, Patna-1
 4. The Chief of Storage, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Birchand Patel Path, Patna-1
 5. The Chief of Claims, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Birchand Patel Path, Patna-1
 6. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Samastipur
 7. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Rohtas at Sasaram

... .. Appellant/s

Versus

1. Most. Shanti Devi wife of Baidyanath Singh resident of village- Barka Lauhar, P.S.-Barhara, District- Bhojpur
2. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Dumka

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

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

Date : 18-04-2025



Re: I.A. No. 01 of 2020

Heard I.A. No. 01 of 2020 for condonation of delay.

There is a delay of about 134 days in filing L.P.A. No. 85 of 2020.

2. For the reasons stated in the application read with the affidavit, delay of about 134 days in filing L.P.A. No. 85 of 2020, stands condoned.

3. Accordingly, I.A. No. 01 of 2020 stands allowed.

LPA No. 85 of 2020

4. The appellants have assailed the order of the learned Single Judge dated 16.08.2019 passed in CWJC No. 10657 of 2005.

5. The learned Single Judge while examining the disciplinary authority order dated 24.09.2003 and reviewing authority order dated 04.12.2004, has taken note of certain legal infirmities to the extent that both the disciplinary authority and reviewing authority are exercising *quasi* judicial functions and they have not adhered to certain set of principles. Hon'ble Supreme Court has laid down certain principles as to how *quasi* judicial order is to be passed in the case of ***Oryx Fisheries Private Limited Versus Union of India*** and Others reported in ***(2010) 13 SCC 427***. Para 40 reads as under:

“40. In *Kranti Associates* [(2010) 9 SCC



496 : (2010) 3 SCC (Civ) 852] this Court after considering various judgments formulated certain principles in SCC para 47 of the judgment which are set out below : (SCC pp. 510-12)

“(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 a 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 reasons 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*(1987) 100 Harv. L. Rev. 731-37.)

(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* [(1994) 19 EHRR 553] , EHRR at p. 562, para 29 and *Anya v. University of Oxford* [2001 EWCA Civ 405 : 2001 ICR 847 (CA)] , 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'."

The same has been taken note of by the learned Single Judge and quashed the penalty order as well as reviewing authority order.



6. The present appeal has been filed by the Corporation without any substance in the appeal. Filing of this type of frivolous LPA is not appreciable and it is deprecated.

7. Accordingly, we proceed to dismiss LPA No. 85 of 2020 while upholding the order of the learned Single Judge dated 16.08.2019 passed in CWJC No. 10657 of 2005.

8. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2025
Transmission Date	NA

