

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9083 of 2023

Sunder Kanta Devi Wife of Late Dashrath Kunwar @ Dashrath Kumar
Resident of village Jarda, P S Naya Ram Nagar, District Munger at present
residence of Ward No. 16. Mamta Hotel, New Professor Colony, Dumri,
Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Higher Education, Government of Bihar, Patna.
3. Lalit Narayan Mithila University, Dharbhanga Through the Registrar,
Mithila University, Darbhanga.
4. The Vice Chancellor, Lalit Narayan Mithila University, Darbhanga.
5. The Registrar, Lalit Narayan Mithila University, Darbhanga.
6. The Finance Officer, Lalit Narayan Mithila University, Darbhanga.
7. The Principal, G.D. College, Begusarai.
8. The Bihar State University Service Commission, Patna through its Secretary.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeeb Kumar Sanju, Advocate. Ms. Sanju, Advocate.
For the Respondent/s	:	Mr. Jitendra Kumar Roy 1 (SC 13) with Mr. U. K. Singh, AC to SC 13.
For the LNMU	:	Mr. Bindhayachal Rai, Advocate.
For the BSUSC	:	Mr. Pawan Kumar, Advocate. Ms. Diksha, Advocate.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

5 13-11-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the
following reliefs:-

*“For issuance of proper writ/s,
order/s, direction/s to the respondents to*



consider the Late husband of the petitioner to the post of Reader under time bond statute as the late husband of the petitioner completed 10 years of service as Lecturer on 22.02.1982 as others have been promoted to the post of Reader and the case of the petitioner's husband is on equal footing.

For a further direction to the respondents to quash the decision of screening committee dated 02.03.2019 by which the case of promotion of petitioner's husband was not recommended without any reasons assign which was considered in view of order passed by the Hon'ble Court dated 18.05.2018 in CWJC No. 18997 of 2017 preferred by the petitioner's husband for grant of time bond promotion.

For a further direction tot he respondents to grant consequential benefits thereupon for issuance of any other direction/s which may deemed fit and proper in the facts and circumstances of the case."

3. Learned counsel appearing on behalf of the petitioner submits that the husband of the petitioner was appointed as Lecturer in the Department of History, G.D. College, Begusarai in the year 1971 and subsequently, the service of the husband of the petitioner was regularized on 23.06.1973. Learned counsel submits that the husband of the petitioner died on 12.01.2020 and during his life time, he has applied to the concerned authorities for giving him promotion to



the post of Reader under the 10 year time bond promotion scheme. However, the authority has rejected the case of the petitioner's husband without giving any reasons. Learned counsel has drawn the attention of this Court to the minutes of the Screening Committee dated 02.03.2019 whereby the case of the petitioner's husband was not recommended. Learned counsel submits that absolutely no reason has been given by the authority as to why the case of the husband of the petitioner has not been recommended.

4. In the counter affidavit filed by the Respondent Nos. 3 to 6, it is stated that the case of the husband of the petitioner was not considered solely on the ground that the Screening Committee has not recommended the case of the husband of the petitioner for promotion to the post of Reader under the 10 year time bound promotion scheme.

5. A perusal of the recommendation made by the Screening Committee in its meeting held on 02.03.2019 does not reveal as to why the case of the husband of the petitioner has not been recommended. There are absolutely no reasons given in the minutes of the said Screening Committee and as to why the husband of the petitioner has not been recommended.

6. Further, learned counsel appearing on behalf of the



petitioner submits that though in the remarks column it is stated that the husband of the petitioner was appointed as a Lecturer on temporary basis at Bhagalpur University, Bhagalpur. The fact remains that the post of the husband of the petitioner was regularized and therefore, he was eligible for promotion under the 10 year time bond promotion scheme to be appointed as Reader.

7. This Court as well as the Apex Court, on number of occasions, have held that any authority/Court/quasi judicial authority while passing order have to necessarily give reasons in the order passed. Unless reasons are given in the order, neither the party nor the Courts before whom the order is challenged will be in a position to appreciate as to what has weighed with the said authority either for dismissing or allowing the case. Though the quasi judicial or administrative authority are not obligated to give a lengthy or elaborate reasoning as in the case of Judicial order, yet they are expected to give a reasoned order which should be precise, concisely setting out the reasons for allowing or dismissing the contention/application as the case may be.

8. In Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota vs. Shukla



and Brothers, reported in **(2010) 4 SCC, 785**, the Hon'ble

Supreme Court has held as under:

“..... while exercising the power of judicial review on administrative action and more particularly the judgment of courts in appeal before the higher court, providing of reasons can never be dispensed with. The doctrine of audi alteram partem has three basic essentials. Firstly, a person against whom an order is required to be passed or whose rights are likely to be affected adversely must be granted an opportunity of being heard Secondly, the authority concerned should provide a fair and transparent procedure and lastly, the authority concerned must apply its mind and dispose of the matter by a reasoned or speaking order.....

..... A litigant who approaches the court with any grievance in accordance with law is entitled to know the reasons for grant or rejection of his prayer Reasons are the soul of orders Non-recording of reasons could lead to dual infirmities; Firstly, it may cause prejudice to the affected party and secondly, more particularly, hamper the proper administration of justice. These principles are not only applicable to administrative or executive actions, but they apply with equal force and, in fact, with a greater degree of precision to judicial pronouncements. The orders of the court must reflect what weighed with the court in granting or declining the relief claimed by the applicant.”

9. Having regard to the same, the matter is remanded back to the concerned university i.e. the Lalit Narayan Mithila University, Dharbhanga for passing orders afresh. The authority shall put the issue before the Screening Committee once again for considering the case of the husband of the petitioner for promotion to the post of Reader in History under the 10 year



time bound promotion scheme afresh. The authority shall endeavour to complete the entire process as expeditiously as possible preferably within a period of four months from the date of the receipt of the copy of this order. If any clarification is sought for by the Screening Committee or the University, the petitioner shall be put on notice and given an opportunity for submitting the required documents or hearing as the case may be. Any order passed shall be communicated to the party.

10. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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