

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11354 of 2024

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Rahul Kumar Singh Son of Visheshwar Singh Resident of village- Surujpura,
P.O- Traitha, Police Station- Ramgarh, District- Kaimur (Bihar), Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home,
Govt. of Bihar at Patna.
2. Director General of Police, Bihar at Patna.
3. Deputy Inspector General of Police, Patna.
4. Deputy Inspector General of Police, Darbhanga Zone, District- Dharbhanga.
5. Superintendent of Police, Madhubani.
6. Central Selection Board through its Special Work Officer, Patna Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate Mr. Vivekanand Singh, Advocate
For the C.S.B.	:	Mr. Sanjay Prasad, Advocate Mr. Binod Kumar Mishra, Advocate Mr. Vivek Anand Amritesh, Advocate
For the State	:	Mr. Rakesh Ranjan, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT

Date : 09-10-2025

Heard learned counsel for the petitioner; learned
counsel for the C.S.B and learned counsel for the State.

2. The present petition is filed invoking the writ
jurisdiction of this Court under Article 226 of the Constitution
of India *inter alia* seeking the following reliefs –

*“I. That the present Writ application is
being filed in the nature of Certiorari for
quashing the Memo No. 2698 dated 10.08.2015
passed by the D.I.G, Darbhanga affirming the
order passed by Superintendent of Police,
Madhubani in district order no. 1251 of 2018
(Annexure-P/14-A) by which the order of the
dismissal of the petitioner from the post of the*



constable has been upheld on the ground; that the order passed is without reason, without the consideration of the grounds taken in appeal by petitioner, the initial enquiry done is defective and is in violation of Rule 17 and 18 of Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 [Hereinafter referred as "Bihar CCA Rules, 2005"]

II. The present writ application is being filed in the nature of Certiorari for quashing the order of dismissal/termination by memo no. 2228 (R.Ka) dated 25.08.2017 passed by the Superintendent of Police by which the petitioner has been dismissed from the post of constable on the ground that the order passed by the Superintendent of Police is without consideration of second show cause reply, there is non reasoned assigned for the dismissal of the petitioner by the superintendent of Police, Madhubani, the dismissal order is based on the enquiry report which has not followed the due process of law as given under Bihar CCA Rules, 2005.

III. The present writ application is being filed in the nature of Mandamus for a direction to the respondent authority especially the Superintendent of Police, Madhubani to reinstate the petitioner on the post of constable with all consequential benefits till date."

3. The brief facts relevant for the purpose of the present writ are that, pursuant to the vacancies sent by the Police Headquarters, the advertisement No. 01 of 2014 was published by the Central Selection Board of Constables, for recruiting 11,783 Constables in the District Police Force, the BMP Battalions and other units and applications were invited from suitable candidates. The present petitioner had applied against the aforesaid advertisement and was allotted the Roll No.



2859240390 and Admit Card was issued to him. Subsequently, the written examination was conducted on 19.10.2014 for which more than 7.57 lakhs candidates had appeared and the results thereof was published on 04.02.2015. Thereafter, the successful candidates were called for the screening / physical evaluation test which was a qualifying stage. The instant petitioner appeared in the physical examination and having been declared successful, appeared in the aforesaid screening test and qualified the same. The merit list was prepared based upon the marks obtained by the candidates in the written test and the final results were published on 23.06.2015 wherein the petitioner stood qualified/successful. Thereafter the Central Selection Board of Constables, on 23.06.2015 issued selection letter to the petitioner and the petitioner was directed to report for joining at the office of the Superintendent of Police, Madhubani, along with all relevant original documents between 06.07.2015 and 30.07.2015. Pursuant to the said joining, the petitioner was given the Constable No. 563 bearing ID No. 805.

4. Thereafter, the Central Selection Board of Constables received information that the instant petitioner had indulged in malpractice and was able to secure his appointment using a Bluetooth device to attempt his written examination.



The aforesaid board, on 28.09.2015 had consequently directed the Superintendent of Police, Madhubani to send the petitioner along with the original documents to enquire into the allegations. In presence of the officials of the Central Selection Board of Constables and one officer sent by the Superintendent of Police, Madhubani, an enquiry was conducted and questions were put to the petitioner, wherein according to the respondent authorities, the petitioner admitted in writing of having succeeded in the written phase of the recruitment process with the assistance of a Bluetooth device for which the father of the petitioner had paid a total of Rs. 3,50,000/- to one Aftab. Accordingly, the aforesaid board, directed the S.P., Madhubani to institute an F.I.R against the petitioner for committing fraud and malpractice and F.I.R in connection with P.S. Case No. 443 of 2015 under sections 467, 468, 471, 406, 420, 120-B read with section 34 of the Indian Penal Code and section 66-D of the I.T Act came to be registered. The petitioner was arrested on 10.12.2015 and was remanded to judicial custody. The chargesheet was submitted on 20.12.2015 before the trial Court. The present petitioner had moved this Court seeking regular bail in Criminal Miscellaneous No. 57993 of 2015, wherein vide order dated 04.01.2016, the petitioner was enlarged on bail.



5. Vide letter dated 09.02.2016, the Superintendent of Police, Madhubani had issued a memo of charge against the petitioner and Madhubani departmental proceedings No. 07 of 2016 was initiated against the petitioner. The learned Counsel for the petitioner has submitted that total five charges were levelled against the petitioner which were as under – *Firstly* that he was appointed against Advertisement No. 01 of 2014 and has done irregularities for appointment on the post of constable, *secondly* the petitioner was found to have less knowledge and it was found the proceeding against the Petitioner, *thirdly* that the petitioner had accepted the claim in writing that he used a Bluetooth to pass the examination, *fourthly* that an amount of Rs. 3,50,000 has been also given by the father of the Petitioner to one Aftaab Mobile Number and *fifthly* that an F.I.R was filed against the Petitioner. It is submitted by the learned counsel for the petitioner that all together seven documents were to be given and five witnesses were to be examined.

6. It is categorically submitted by the learned counsel for the petitioner that when the petitioner was called at the Central Selection Board of Constables, the petitioner under pressure and coercion had admitted to having used a Bluetooth device while attempting the written phase of the recruitment



process. Further the documents relied/attached were nether supplied to the petitioner nor was the petitioner given any opportunity to cross-examine the witnesses. The learned counsel for the petitioner has vehemently denied having issued or served any notices dated 09.10.2016, 17.11.2016, 04.12.2016, 10.01.2017, 03.04.2017 and 04.07.2017.

7. A counter affidavit is filed on behalf of the respondent nos. 1 to 5, wherein the answering respondents have submitted the brief facts relevant for the case and have opposed the prayer of the writ petition.

8. The Central Selection Board of Constables has filed a counter affidavit wherein it has been submitted that the Board has at paragraph no 18 of their counter affidavit have submitted that the board has no role to play.

9. I have heard and considered the submissions of the parties.

10. It may be gainful to refer to the authoritative pronouncements from the Hon'ble Supreme Court, which have cemented and crystallized the position of law on this aspect.

11. The Constitution Bench of the Hon'ble Supreme Court in the case of *S.N. Mukherjee v. Union of India, reported as (1990) 4 SCC 594*, while considering one of



the questions, whether there is a general principle of law which requires an administrative authority to record the reasons for its decision, had held as under:-

36. *Reasons, when recorded by an administrative authority in an order passed by it while exercising quasi-judicial functions, would no doubt facilitate the exercise of its jurisdiction by the appellate or supervisory authority. But the other considerations, referred to above, which have also weighed with this Court in holding that an administrative authority must record reasons for its decision, are of no less significance. These considerations show that the recording of reasons by an administrative authority serves a salutary purpose, namely, it excludes chances of arbitrariness and ensures a degree of fairness in the process of decision making. The said purpose would apply equally to all decisions and its application cannot be confined to decisions which are subject to appeal, revision or judicial review. In our opinion, therefore, the requirement that reasons be recorded should govern the decisions of an administrative authority exercising quasi-judicial functions irrespective of the fact whether the decision is subject to appeal, revision or judicial review. It may, however, be added that it is not required that the reasons should be as elaborate as in the decision of a court of law. The extent and nature of the reasons would depend on particular facts and circumstances. What is necessary is that the reasons are clear and explicit so as to indicate that the authority has given due consideration to the points in controversy. The need for recording of reasons is greater in a case where the order is passed at the original stage. The appellate or revisional authority, if it affirms such an order, need not give separate reasons if the appellate or revisional authority agrees with the reasons contained in the order under challenge.*

37. *Having considered the rationale for the requirement to record the reasons for the*



*decision of an administrative authority exercising quasi-judicial functions we may now examine the legal basis for imposing this obligation. While considering this aspect the Donoughmore Committee observed that it may well be argued that there is a third principle of natural justice, namely, that a party is entitled to know the reason for the decision, be it judicial or quasi-judicial. The Committee expressed the opinion that “there are some cases where the refusal to give grounds for a decision may be plainly unfair; and this may be so, even when the decision is final and no further proceedings are open to the disappointed party by way of appeal or otherwise” and that “where further proceedings are open to a disappointed party, it is contrary to natural justice that the silence of the Minister or the Ministerial Tribunal should deprive them of the opportunity”. (p. 80) Prof. H.W.R. Wade has also expressed the view that “natural justice may provide the best rubric for it, since the giving of reasons is required by the ordinary man's sense of justice”. (See Wade, Administrative Law, 6th edn. p. 548.) In **Siemens Engineering Co. case [(1976) 2 SCC 981 : 1976 Supp SCR 489]** this Court has taken the same view when it observed that “the rule requiring reasons to be given in support of an order is, like the principles of audi alteram partem, a basic principle of natural justice which must inform every quasi-judicial process”. This decision proceeds on the basis that the two well known principles of natural justice, namely (i) that no man should be a judge in his own cause, and (ii) that no person should be judged without a hearing, are not exhaustive and that in addition to these two principles there may be rules which seek to ensure fairness in the process of decision-making and can be regarded as part of the principles of natural justice. This view is in consonance with the law laid down by this Court in **A.K. Kraipak v. Union of India [(1969) 2 SCC 262 : (1970) 1 SCR 457]** wherein it has been held : (SCR pp. 468-69 : SCC p. 272, para 20)*



*“The concept of natural justice has undergone a great deal of change in recent years. In the past it was thought that it included just two rules namely : (i) no one shall be a judge in his own cause (nemo debet esse judex propria causa), and (ii) no decision shall be given against a party without affording him a reasonable hearing (audi alteram partem). Very soon thereafter **a third rule was envisaged and that is that quasi-judicial enquiries must be held in good faith, without bias and not arbitrarily or unreasonably.** But in the course of years many more subsidiary rules came to be added to the rules of natural justice.”*

38. A similar trend is discernible in the decisions of English courts wherein it has been held that natural justice demands that the decision should be based on some evidence of probative value. (See : R. v. Deputy Industrial Injuries Commissioner ex p. Moore [(1965) 1 QB 456 : (1965) 1 All ER 81] ; Mahon v. Air New Zealand Ltd. [1984 AC 648 : (1984) 3 All ER 201])

39. **The object underlying the rules of natural justice “is to prevent miscarriage of justice” and secure “fair play in action”. As pointed out earlier the requirement about recording of reasons for its decision by an administrative authority exercising quasi-judicial functions achieves this object by excluding chances of arbitrariness and ensuring a degree of fairness in the process of decision-making. Keeping in view the expanding horizon of the principles of natural justice, we are of the opinion, that the requirement to record reason can be regarded as one of the principles of natural justice which govern exercise of power by administrative authorities.** The rules of natural justice are not embodied rules. The extent of their application depends upon the particular statutory framework whereunder jurisdiction has been conferred on the administrative authority. With regard to the exercise of a particular power by an administrative authority including exercise of judicial or quasi-judicial functions the legislature, while conferring the said



power, may feel that it would not be in the larger public interest that the reasons for the order passed by the administrative authority be recorded in the order and be communicated to the aggrieved party and it may dispense with such a requirement. It may do so by making an express provision to that effect as those contained in the Administrative Procedure Act, 1946 of U.S.A. and the Administrative Decisions (Judicial Review) Act, 1977 of Australia whereby the orders passed by certain specified authorities are excluded from the ambit of the enactment. Such an exclusion can also arise by necessary implication from the nature of the subject matter, the scheme and the provisions of the enactment. The public interest underlying such a provision would outweigh the salutary purpose served by the requirement to record the reasons. The said requirement cannot, therefore, be insisted upon in such a case.

40. For the reasons aforesaid, it must be concluded that except in cases where the requirement has been dispensed with expressly or by necessary implication, an administrative authority exercising judicial or quasi-judicial functions is required to record the reasons for its decision.

12. Summarizing the principles of law, the Hon'ble Supreme Court in the case of ***Kranti Associates (P) Ltd. v. Masood Ahmed Khan, reported as (2010) 9 SCC 496***, had held as under -

“46. The position in the United States has been indicated by this Court in S.N. Mukherjee [(1990) 4 SCC 594 : 1990 SCC (Cri) 669 : 1991 SCC (L&S) 242 : (1991) 16 ATC 445 : AIR 1990 SC 1984] in SCC p. 602, para 11 : AIR para 11 at p. 1988 of the judgment. This Court held that in the United States the courts have



always insisted on the recording of reasons by administrative authorities in exercise of their powers. It was further held that such recording of reasons is required as “the courts cannot exercise their duty of review unless they are advised of the considerations underlying the action under review”. In S.N. Mukherjee [(1990) 4 SCC 594 : 1990 SCC (Cri) 669 : 1991 SCC (L&S) 242 : (1991) 16 ATC 445 : AIR 1990 SC 1984] this Court relied on the decisions of the US Court in Securities and Exchange Commission v. Chenery Corpn. [87 L Ed 626 : 318 US 80 (1942)] and Dunlop v. Bachowski [44 L Ed 2d 377 : 421 US 560 (1974)] in support of its opinion discussed above.”

“47. Summarizing 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 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 Harvard Law Review 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 562 para 29 and Anya v. University of Oxford [2001 EWCA Civ 405 (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”.

13. 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 disciplinary authority acting in a *quasi-judicial* capacity, arriving at an adverse finding to impose a punishment must support the same with cogent reasons. The orderly functioning of the process of review requires that the grounds upon which the administrative agency acted, be clearly disclosed and adequately sustained. The importance of passing a



reasoned order by such an authority is *sine qua non* and numerous judicial precedents have time and again underscored the imperative and fundamental importance of recording the reasons.

14. Pertinently, the law laid down in ***Roop Singh Negi v. Punjab National Bank***, reported as ***(2009) 2 SCC 570*** had held that examination of witnesses is not an inviolable rule and that it would depend on the facts of each case. Considering the facts of the present case, it is clear, that the finding of guilt in the factual prism of the present case could not have been arrived at without examination of the witnesses, and therefore not affording an opportunity to the petitioner to cross-examine the witnesses and directly drawing a conclusion is violative of the principles of natural justice and as such would vitiate the process.

15. Further, turning to the facts of the present case, it is evident that the respondent authorities acting in quasi-judicial capacity have to act fairly. Pertinently, the petitioner was not afforded an opportunity to cross-examine the witnesses and the documents relied upon have also not been supplied to him. The documents must not only be placed in the disciplinary proceedings but also be proved for it to be relied upon in the



proceedings.

16. It is trite law that the disciplinary authority acting in quasi-judicial capacity must meet the threshold of preponderance of possibilities before arriving at a finding of guilt. In the present case, it appears that the disciplinary authority has failed to meet the threshold and awarded the maximum punishment without strictly adhering to the Principles of natural justice.

17. The disciplinary authority not having afforded adequate opportunity to defend himself and not passing an order after due consideration can not be sustained.

18. Accordingly considering the afore-quoted decisions of the Hon'ble Supreme Court and the deviation from the strict adherence to the principles of natural justice, as noted herein above, the punishment of dismissal imposed upon the petitioner can not be sustained. Therefore the impugned orders dated 25.08.2017 passed by Superintendent of Police, Madhubani by which the petitioner was dismissed from service and the appellate order dated 10.08.2018, rejecting the appeal are hereby quashed. The respondent no. 5 is hereby directed to reinstate the petitioner in the service forthwith. The petitioner shall be entitled to all consequential benefits as are admissible



under law.

19. The certified copy of the order by which the learned trial Court had discharged the petitioner is taken on record.

20. This writ petition is allowed to the above extent.

(Sandeep Kumar, J)

P. Kumar

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.10.2025
Transmission Date	NA

