

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13166 of 2025

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Babli Devi W/o Ravi Shankar Kumar R/o Village-Chakda urf Chakna, P.S.-
Saraiya, District-Muzaffarpur, Bihar, Pin Code-843126.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar.
2. The Commissioner, Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), Government of Bihar.
3. The Collector-Cum-District Magistrate, District-Muzaffarpur.
4. The Divisional Commissioner, District-Muzaffarpur, Bihar.
5. The Deputy Development Commissioner, Muzaffarpur, Bihar.
6. The District Panchayati Raj Officer, District-Muzaffarpur., Bihar.
7. The District Program Officer, MGNREGA, Muzaffarpur, Bihar.
8. The Executive Engineer, MGNREGA, Muzaffarpur, Bihar.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Kumar Abhishek, Advocate
For the Respondents : Mr. Government Pleader (5)

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

4 08-12-2025 Heard learned counsel for the parties.

2. The present writ petition has been filed for the
following reliefs: -

“a) For issuance of an appropriate writ,
order or direction. including a writ in the nature of
Certiorari, for quashing the order dated 12.09.2023
bearing Letter No. 3943, issued under the signature
of the Deputy Development Commissioner,
Muzaffarpur (Respondent No. 5), to the extent it
pertains to the Petitioner, whereby it has been
directed that, in view of the irregularities found
under various government schemes, the penalty



amount imposed scheme-wise shall be deposited within one week in the State Nodal Account (SNA), maintained at the State Bank of India, R-Block Branch, Patna, bearing Account No. 61310273370, IFSC Code: SBIN0031501, and a compliance report be submitted thereafter. It has further been directed that the District Panchayati Raj Officer, Muzaffarpur (Respondent No. 6). shall initiate appropriate proceedings under the relevant provisions of the Bihar Panchayati Raj Act, 2006, against the Petitioner in relation to the irregularities in the implementation of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) Scheme.

b) During the pendency of the present writ application, this Hon'ble Court may graciously be pleased to direct the Respondents not to initiate or take any coercive action against the Petitioner for recovery of the amount(s) mentioned in Letter No. 3943 dated 12.09.2023. and further be pleased to restrain the District Panchayati Raj Officer, Muzaffarpur (Respondent No. 6), from initiating any proceeding against the Petitioner pursuant to or in consequence of the said Letter No. 3943 dated 12.09.2023.

c) This Hon'ble Court may further adjudicate and hold that the respondent Deputy Development Commissioner, Muzaffarpur (Respondent No. 5), being a quasi-judicial authority, was required to consider the show-cause



reply dated 25.05.2023 and pass a reasoned order and speaking order.

d) For any other appropriate writ/writs, order/orders, or direction/directions which the Petitioner deemed entitled to in the light of the facts and circumstances of the case.”

3. It is the case of the petitioner that the petitioner has been elected as Mukhiya of the Gram Panchayat in the year 2021 and thereafter conducted various programmes. The authorities issued a show cause notice contained in Memo No.540 dated 28.02.2023 (Annexure-P/1), to which the petitioner has given a detailed reply through his letter dated 25.05.2023 (Annexure-P/2). The authorities without furnishing the copy of the enquiry report nor taking into consideration the show cause filed by the petitioner passed the impugned order contained in letter No. 3943 dated 12.09.2023 (Annexure-P/3).

4. Learned counsel for the petitioner submits that the authority has passed the impugned order in a mechanical manner without giving any reasons as to why the explanation/show cause filed by the petitioner has been disbelieved/rejected. Learned counsel says that the impugned orders contained in Annexure-P/3 is bereft of any reason and the same is liable to be set aside solely on that ground. Learned



counsel relies on a judgment of the Hon'ble Supreme Court passed in the case of ***Kranti Associates (P) Ltd. v. Masood Ahmed Khan***, reported in **(2010) 9 SCC 496**.

5. *Per contra*, learned counsel appearing on behalf of the respondent State vehemently opposed the very maintainability of the present writ petition. Learned counsel submits that the petitioner taking advantage of her post has misappropriated the funds of the Gram Panchayat and the authorities duly taking into consideration the report of the three-men committee has issued a show-cause notice granting ample opportunity to the petitioner. The order passed by the authorities is well reasoned order and the same does not require any interference by this Court. Learned counsel, therefore, prays to this Court to dismiss the present writ petition.

6. A perusal of the impugned order passed by the authorities dated 12.09.2023 reveals that the authorities have not taken into consideration the explanation/show cause filed by the petitioner. Further, it is to be noted that in the show-cause notice issued to the petitioner there is no mention that the petitioner has been served a copy of the enquiry report relied by the authorities. The Hon'ble Supreme Court as well as this Court in a catena of cases have time and again held that whenever a



quasi-judicial/administrative authorities pass any order, they are bound to give reasons either accepting or rejecting the explanation submitted by the petitioner. However, in this case no such reasons are given. The order is bereft of reasons.

7. In the case of **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."

8. Having regard to the same the impugned order dated 12.09.2023 is set aside. The matter is remanded back to the authorities for passing orders afresh.

9. It is needless to mention that before passing any order, the petitioner shall be put on notice and given an opportunity of hearing. The authorities before passing any order shall duly take into consideration the explanation/show cause filed by the petitioner and pass a reasoned order. In case the authorities rely on the enquiry report, they shall furnish a copy of the same to the petitioner and thereafter grant him opportunity for filing a fresh show cause. 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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