

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17137 of 2023

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Anjalika Sinha Daughter of Janeshwar Prasad, Resident of Village-Baxaria Tola, P.S.-Sultanganj, District-Patna, terminated from the post of Ladies Supervisor posted at Karakat Block, District-Rohtas, Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through its Director, Integrated Child Development Scheme (Social Welfare Department), Bihar, Patna.
2. The Director, Integrated Child Development Scheme (Social Welfare Department), Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Programme Officer, Rohtas (Sasaram), District-Rohtas (Sasaram).
5. The District Magistrate, Rohtas (Sasaram), District-Rohtas (Sasaram).
6. The Child Development Project Officer, Karakat, District-Rohtas (Sasaram).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh
For the Respondent/s : Mr.Jitendra Kr. Roy 1 (Sc13)
Mr. B.B. Prasad, AC to SC 13

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-09-2025 Heard the learned counsel for the petitioner and

learned counsel for the State.

2. The present application has been filed on behalf of

the petitioner for the following reliefs:-

*I. For issuance of an appropriate writ in
nature of certiorari for quashing order dated
18.07.2023 passed in ICDS-293-2022 by which the
Divisional Commissioner, Patna without
consideration of appeal rejected, the claim of the
petitioner and also quashing the Memo No. 207
dated 15.02.2021 by which the petitioner has been*



terminated from service of Ladies Supervisor holding that he has not issued appointment letter to Priyanka Kumari in view Clause 10 of the directive 990 dated 05.04.2016 by which appointment letter was to be issued, on the date of Convening the meeting General Body but the fact is that appointment letter was not issued on the date meeting on the instance of the respondent no.4 before whom the the petitioner and Juli Kumari made objection and inquiry was started and when the matter became highlighted the District Programme Officer (Respondent no. 4) made scapegoat to the petitioner to save her own skin moreover, after inquiry from all corners it has come out that Priyanka Kumari was the bonafide candidate among all as her name was at the top of merit list and resident of Ward No.-07, who was appointed by the joint signature of the Appellant and Ward Counselor of Gram Panchayat Raj Budbal Ward No.7 under Karakat Block subsequently she has appointed.

(ii) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent to reinstate the petitioner in service with all consequential monetary benefit.

3. The brief facts of this case are that the petitioner was appointed as ladies Supervisor, following the provision as contemplated in the Directive 2010 and submitted her joining on



5.11.2012. The petitioner was posted at Karakat Block in the month of January 2013. While the petitioner was working in Karakat Block, an advertisement was made for the purpose of appointment of Anganwari Sevika & Sahayika in all the Block including Karakat Block Ward No. 07. Pursuant to the said advertisement, all the eligible candidates applied for the post of Anganwari Sevika and Sahayika and altogether 108 applications were received.

4. In furtherance, the meeting of General Body was convened on 22.01.2019 and Priyanka Kumari, who was having the highest (70%) marks than any other candidates and therefore was being considered for the appointment but during the meeting, one Juli Kumari made objection that Priyanka Kumari is an outsider as she is not a resident of Ward No.7 and the name of her husband is not available in the voter list of Ward No.7 and on the basis of the said objection raised by Juli Kumari, appointment letter was not given on the same day on which the meeting of general body was convened.

5. Furthermore, it is the case of the petitioner that both the candidates namely Juli Kumari & Priyanka Kumari approached the District Programme Officer, Rohtas, Sasaram requesting for their appointment as Anganwari Sevika and the



District Programme Officer, Rohtas, Sasaram issued letter no. 332 dated 18.03.2019 whereby a report was sought for regarding Priyanka Kumari with regard to the fact that whether she was resident of Ward No. 07 or not.

6. In light of the aforesaid letter, the Block Development Officer, Karakat directed the BLO, Panchayat Secretary and Block Panchayat Raj Officer to conduct an inquiry to this effect. Upon inquiry by the officers concerned the inquiry report was submitted before the Block Development Officer and on the basis of the said inquiry the Block Development Officer, Karakat, Rohtas, Sasaram submitted the inquiry report before the District Programme Officer, Rohtas, Sasaram vide letter no. 279 dated 09.04.2019 mentioning that Priyanka Kumari was a resident of Ward No. 07. Since in the General Body meeting, an objection came out from the rival candidate that Priyanka Kumari was not resident of Ward No.07, therefore in the interest of justice, the District Programme Officer again directed to conduct an inquiry from ground level and after inquiry when she was satisfied that Priyanka Kumari was resident of Ward No. 7, she directed the petitioner to issue appointment letter. Acting on the aforesaid direction the petitioner issued appointment letter on 07.06.2019 which was



also signed by the Ward Counsellor of Ward No. 07.

7. Further, the case of the petitioner is that after appointment of Priyanka Kumari, one Press Reporter, namely Dinesh Kumar Singh filed a complaint being N1/Public (Welfare 28/2019) before the Hon'ble Lokayukta alleging therein that the petitioner had taken bribe for the appointment of Priyanka Kumari as Anganwadi Sevika and therefore the petitioner should be terminated and also the appointment of Priyanka Kumari should be cancelled.

8. In view of the aforesaid allegations, the Hon'ble Lokayukta passed an order on 11.09.2019 with direction to all the concerned officers to remain present with records of selection to the post of Anganbadi Sevika. Thereafter, on 24.02.2020, the Hon'ble Lokayukta heard the matter at length and observed that some irregularity has been done in the selection process and therefore, an inquiry is required and the Hon'ble Lokayukta further directed the D.P.O. to decide the issue regarding the appointment of Priyanka Kumari and next date of hearing was fixed on 16.04.2020 by the Hon'ble Lokayukta.

9. Further, it is the case of the petitioner that at the time of passing of the order dated 24.02.2020, the D.P.O.



concealed some relevant facts and if the real facts would have placed before the Hon'ble Lokayukta then the direction would be different as the real fact was that after General Body meeting on 22.01.2019, the D.P.O. had conducted an enquiry regarding the fact that Priyanka Kumari was resident of Ward No. 07 or Ward No. 08 and to this effect an inquiry was made and thereupon the B.D.O. had submitted report on 09.04.2019 before D.P.O. that Priyanka Kumari was resident of Ward No. 07 but this fact has not been brought to the notice of Hon'ble Lokayukta that further inquiry was also conducted by the DPO after 22.01.2019.

10. In the order dated 24.02.2020, not a single word has been mentioned regarding submission of inquiry report before the D.P.O., Rohtas, Sasaram which shows that the D.P.O. has misled the Hon'ble Lokayukta and the Hon'ble Lokayukta was under the impression that main culprit is the petitioner who had issued the appointment letter after six months of General Body meeting but the real fact was that inquiry was conducted on the instance of D.P.O. and report of B.D.O. was submitted on 09.04.2019 and thereafter on the oral direction of D.P.O., this petitioner had issued appointment letter after conclusion of another inquiry by the DPO, Rohtas, Sasaram at the ground



level but the DPO, Rohtas kept mum after seeing the serious view of the Hon'ble Lokayukta.

11. After the order of the Hon'ble Lokayukta dated 24.02.2020, the D.P.O. Rohtas, Sasaram, upon whose instance appointment of Priyanka Kumari was made, fixed the date of hearing on 6.3.2020 and to this effect, notices were issued to all concerned parties except B.D.O. Karakat, Block Panchayat Raj Officer Karakat and B.L.O. and Panchayat Secretary.

12. During the course of hearing before the D.P.O, Rohtas, the C.D.P.O. Karakat submitted report mentioning that name of the entire family members of Priyanka Kumari were reflecting in Ward No. 07 but name of her husband appearing in Ward No. 08 and in view of Clause 5 of Directive 2016, the name of husband/father-in-law is required in particular voter list of the Ward for which the recruitment/appointment is to be done. The petitioner also submitted her reply giving specific reason that on the oral instruction of D.P.O., Rohtas, Sasaram, she had issued appointment letter on 07.06.2019.

13. The D.P.O. Rohtas, Sasaram submitted report vide memo no. 1030 dated 13.08.2020 mentioning that though Priyanka Kumari is resident of Ward No. 07 but she was not appointed in view of Directive 990 dated 05.04.2016 Clause 10



therefore appointment of Priyanka Kumari was cancelled and subsequently vide memo no. 1437 dated 15.12.2020 a show cause was issued to the petitioner and vide letter dated 14.01.2021 the petitioner has replied to the show cause notice accepting her mistake and the petitioner was removed from the post of Ladies Supervisor vide memo no. 207 dated 15.02.2021.

14. It has been submitted by the learned counsel for the petitioner that the reply to the show-cause was submitted by the petitioner under the threat of D.P.O., Rohtas, Sasaram as the materials of the show-cause reply were dictated to the petitioner by the concerned authorities to make her a scapegoat.

15. It has been submitted by the learned counsel for the petitioner that without proper hearing and without examining of witnesses, the termination letter of the petitioner was issued on 15.02.2021. He further submits that when the termination letter was issued to the petitioner, it was the phase of Covid-19 and the Hon'ble Court in C.W.J.C. No. 5633/2020 had directed all the concerned authorities that they will not take any action against the employee or against anyone unless and until a grave mis-conduct of duty is proved against him/her and despite the direction of this Court, the petitioner was terminated.

16. Learned counsel for the petitioner further submits



that an appeal was also filed on behalf of the petitioner with limitation petition as the petitioner also got infected of Corona Virus and she somehow saved her life but the appellate authority without consideration of the grounds raised by the petitioner, passed order dated 18.07.2023 and rejected the appeal.

17. Learned counsel for the State, relying on the submissions made in the counter affidavit, has opposed the application of the petitioner and has supported the impugned order.

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

19. 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. 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.

20. 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.

21. 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”.

22. Therefore, what is crystallized by a plethora of authoritative judicial pronouncements is that recording of reasons by a disciplinary authority, acting in a *quasi-judicial* capacity, is fundamental to discern whether the said authority had applied his mind before arriving at a conclusion/finding or not. A bald and mechanical reiteration of allegations or the



factual matrix devoid of any cogent reasons supporting the findings/conclusion is wholly insufficient. A cryptic and non-speaking order is antithesis to principles of natural justice and therefore the same cannot be sustained.

23. Accordingly, this application is allowed and the order dated 18.07.2023 passed in ICDS-293-2022 by the Divisional Commissioner, Patna rejecting the appeal of the petitioner and the Memo No. 207 dated 15.02.2021 by which the petitioner has been terminated from service as Ladies Supervisor, are hereby quashed.

(Sandeep Kumar, J)

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