
(2003) 05 AHC CK 0119
In the Allahabad High Court
Case No : Special Appeal No. 327 of 2003

Mahendra Kumar Gupta

APPELLANT

Vs

District Inspector of Schools and Others

RESPONDENT

Date of Decision : 02-05-2003

Acts Referred:

Uttar Pradesh Intermediate Education Act, 1921 — Section 16G(8)
Uttar Pradesh Intermediate Education Act, 1921 — Section 16G(8)

Citation : (2003) 4 AWC 2708

Hon'ble Judges : S.P. Srivastava, J;K.N. Ojha, J

Bench : Division Bench

Advocate : N.K. Pandey and P.S. Baghel, for the Appellant;

Final Decision : Dismissed

Judgement

S. P. Srivastava, J.—Heard learned counsel for the appellant.

2. The appellant, while he was holding the post of Principal of an Intermediate College recognised under the provisions of U. P, Intermediate Education Act, 1921 and the regulations framed thereunder, was placed under suspension pending disciplinary proceedings. A perusal of the charge-sheet dated 4.2.2002 served on the petitioner indicates that the charges levelled against him were of a very serious nature. The order, placing him under suspension passed by the Committee of Management, was approved by the District Inspector of Schools.

3. However, subsequently exercising the jurisdiction envisaged u/s 16G (8) of the U. P. Intermediate Education Act, the District Inspector of Schools passed an order on 22.11.2002 revoking the aforesaid order. The aforesaid order revoking the suspension was challenged by the Committee of Management by means of the writ petition.

4. The learned single Judge, vide the impugned order dated 4.4.2003, allowed the writ petition holding that none of the requirements envisaged under the aforesaid provision could be said to have been satisfied which could justify the

revocation of the suspension order and further that the aforesaid order was vitiated in law as it contained only conclusion without giving any reasons in support thereof.

5. While allowing the writ petition, the learned single Judge had directed the District Inspector of Schools to forward the proposal dated 21.11.2002 for the termination of the services of the Principal to the U. P. Secondary Education Service Selection Board within 15 days from the filing of the certified copy of the order further directing the U. P. Secondary Education Service Selection Board to take the decision on the proposal forwarded to it, expeditiously preferably within four months of its receipt.

6. The Principal of the concerned college has now come up in special appeal feeling aggrieved by the order of the learned single Judge, seeking redress praying for the setting aside of the said order.

7. It should not be lost sight of that as indicated by the Apex Court in its decision in the case of Union of India (UOI) Vs. Mohan Lal Capoor and Others, "Reasons are the links between the materials on which certain conclusions are based and the actual conclusions". In its later decision in the case of Maharashtra State Board of Secondary and Higher Secondary Education Vs. K.S. Gandhi and Others, the Apex Court had clarified that it was settled law that the reasons are harbinger between the mind of the maker of the order to the controversy in question and the decision or conclusion arrived at. It also excludes the chances to reach arbitrary, whimsical or capricious decision or conclusion. The reasons assure an inbuilt support to the conclusion/decision reached. The order when it affects the right of a citizen or a person, irrespective of the fact, whether it is a quasi-judicial or administrative, fair play requires recording of germane and relevant precise reasons. The recording of reasons is also an assurance that the authority concerned consciously applied its mind to the facts on record.

8. It may, however, be clarified 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.

9. The rule requiring reasons to be given in support of an order is, like the principle of audi alteram partem, a basic principle of natural justice which must inform every quasi-judicial process and this rule must be observed in its proper spirit and mere pretence of compliance with it would not satisfy the requirement of law. It was so indicated by the Apex Court in its decision in the case of Siemens Engineering and Manufacturing Company of India Ltd. v. Union of India and Anr.1976 SCC 981.

10. The reasons introduce clarity and exclude or at any rate minimize arbitrariness. It gives satisfaction to the party against whom the order is made and it also enables an appellate or supervisory court to keep the Tribunal within

bounds. A party is entitled to know what was considered by the concerned authority and reasons for recording a decision against him with an adequate disclosure of materials justifying an inference that there has been a judicial consideration of the dispute by the authority competent in that behalf in the light of the claim made by the aggrieved party. The disclosure of reasons is to enable the aggrieved party to have an opportunity to demonstrate that the reason which persuaded the authority to reject its case were erroneous. Giving of reasons operates as a deterrent against possible arbitrary action by the authority invested with the judicial or quasi-Judicial power.

11. In the present case, the District Inspector of Schools has not given any reason whatsoever in support of his conclusion. The learned single Judge, therefore, could not be held to have erred in disapproving such type of order. The finding returned against the appellant in this regard does not require any interference.

12. Learned counsel for the appellant has strenuously urged that in any view of the matter, in case the order of the District Inspector of Schools was found to be defective for want of reasons, the matter could have been remitted back to the District Inspector of Schools for reconsideration.

13. So far as this aspect of the matter is concerned, as has already been noticed here-in-above, the Committee of Management had already completed the disciplinary proceedings and had come to the conclusion that the service of the appellant was liable to termination. The proposal to this effect had been sent to the District Inspector of Schools for being forwarded to the U. P. Secondary Education Service Selection Board, The matter in regard to the correctness or the propriety of the proposal relating to the termination of the service of the appellant has to be kept separate from the matter relating to the suspension.

14. The impugned order passed by the learned single Judge ensures that the disciplinary proceedings initiated against the appellant should come to an end as early as possible. It is, in this view of the matter, that the requisite directions had been issued to the District Inspector of Schools as well as the U. P. Secondary Education Service Selection Board to dispose of the matter within a period of four months. With the final decision taken by the U, P, Secondary Education Service Selection Board, the controversy regarding suspension will automatically lose its significance and importance.

15. Taking into consideration the totality of the circumstances, no justifiable ground for remitting the case back to the District Inspector of Schools for giving a fresh hearing and pass a fresh order u/s 16G (8) of the U. P, Intermediate Education Act is made out. The interest of justice would be better served in finalising the disciplinary proceedings and ensuring that the Board takes the final decision in the matter within the specified period as directed.

16. It must be emphasized that the extraordinary jurisdiction envisaged under Article 226 of the Constitution of India has to be utilised for advancing the cause

of justice and not to thwart it.

17. Taking into consideration the facts and circumstances as brought on record, no justifiable ground has been made out for any interference in the discretion exercised by the learned single Judge.

18. This special appeal consequently fails and is hereby dismissed.