

UNION PUBLIC SERVICE COMMISSION

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v.

BIBHU PRASAD SARANGI AND OTHERS

(Civil Appeal No. 821 of 2021)

MARCH 05, 2021

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**[DR. DHANANJAYA Y CHANDRACHUD AND
M. R. SHAH, JJ.]**

Constitution of India -- Art.226 – Exercise of power under – Necessity of independent application of mind – ‘Cut-copy-paste’ not a substitute for substantive reasoning – Issue whether first respondent was correctly denied selection having regard to the fact that a disciplinary penalty had been imposed upon him – Appellant moved before High Court in proceedings u/Art.226 for challenging order of the Tribunal – High Court extracted portions of the judgment of the Tribunal and declined to interfere stating that the Tribunal had not committed any jurisdictional error – Held: There was no independent application of mind to the controversy by the High Court – Technology enables speed, efficiency and accuracy to judicial work – But prolific use of ‘cut-copy-paste’ function should not become a substitute for substantive reasoning which, in the ultimate analysis, is the defining feature of the judicial process – Reasons constitute the soul of a judicial decision – It was necessary for the High Court to express an opinion on the merits of the rival submissions since it was seized of proceedings u/ Art.226 – High Court having not carried out the exercise, the judgment of High Court is set aside – Writ petition restored to High Court – Judgment / Order – Practice and Procedure – Service Law.

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Remitting the matter to the High Court, the Court

HELD:1. There has been no independent application of mind to the controversy by the High Court. [Para 6][15-D-E]

2. Cutting, copying and pasting from the judgment of the Tribunal, which is placed in issue before the High Court, may add to the volume of the judgment. The size of judicial output does not necessarily correlate to a reasoned analysis of the core issues in a case. Technology enables judges to bring speed, efficiency and

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- A **accuracy to judicial work. But a prolific use of the ‘cut-copy-paste’ function should not become a substitute for substantive reasoning which, in the ultimate analysis, is the defining feature of the judicial process. Doing what the High Court has done in the present case presents a veneer of judicial reasoning, bereft of the substance which constitutes the heart of the judicial process. Reasons constitute the soul of a judicial decision. Without them one is left with a shell which provides neither solace nor satisfaction to the litigant. While it is important to keep an eye on the statistics on disposal, the quality of justice brings legitimacy to the judiciary. [Para 7][15-E-H; 16-A-B]**
- B **3. It was necessary for the High Court to express an opinion on the merits of the rival submissions since it was seized of proceedings under Article 226 of the Constitution. The High Court having not carried out the exercise, the impugned judgment and order of the High Court is set aside. The writ petition shall stand restored to the file of the High Court. [Para 9][16-D-E]**

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 821 of 2021

From the Judgment and Order dated 21.11.2019 of the High Court of Orissa at Cuttack in W.P.(C) 13029 of 2019

- E **Mrs. Lalita Kaushik, Adv. for the appellant.**
- Shubhranshu Padhi, Ashish Yadav, Rakshit Jain, Vishal Banshal, Advs. for the respondents.**
- F **The Judgment of the Court was delivered by**
- DR. DHANANJAYA Y CHANDRACHUD, J.**
- 1. Delay condoned.
- 2. Leave granted.
- G **3. This appeal arises from a judgment and order of a Division Bench of the High Court of Orissa dated 21 November 2019.**
- 4. The appellant moved before the High Court in proceedings under Article 226 of the Constitution for challenging an order of the Central Administrative Tribunal, Cuttack Bench¹ dated 13 March 2019. The

H ¹ “Tribunal”

Tribunal had directed the appellant to reconsider the case of the first respondent for promotion to the IAS in accordance with the vacancies for 2015 by reconvening a meeting of the Selection Committee and thereafter, to reconsider the first respondent similarly for 2016 and 2017 if the first respondent was found unsuitable for promotion in the year 2015. Consequential benefits were directed to be released in the event that the Review Selection Committee found the first respondent suitable.

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5. For the purpose of the present appeal, it is not necessary for the Court to consider the facts of the case in detail in view of what we indicate hereafter. In paragraph 4 of its judgment dated 21 November 2019, the High Court extracted portions of the judgment of the Tribunal. Thereafter, the High Court noted that “the Tribunal has elaborately discussed the law” while issuing directions. Having said this, the High Court made the following observations in paragraph 6 of its judgment:

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“6. We have heard learned counsel for the parties and perused the materials including the impugned order. Learned Tribunal has elaborately dealt with the contentions of learned counsel for the parties with reference to the materials available on record.”

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6. In paragraph 7, the High Court held that the Tribunal has not committed any jurisdictional error and no interference is warranted. There has been no independent application of mind to the controversy by the High Court.

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7. Cutting, copying and pasting from the judgment of the Tribunal, which is placed in issue before the High Court, may add to the volume of the judgment. The size of judicial output does not necessarily correlate to a reasoned analysis of the core issues in a case. Technology enables judges to bring speed, efficiency and accuracy to judicial work. But a prolific use of the ‘cut-copy-paste’ function should not become a substitute for substantive reasoning which, in the ultimate analysis, is the defining feature of the judicial process. Judges are indeed hard pressed for time, faced with burgeoning vacancies and large case-loads. Crisp reasoning is perhaps the answer. Doing what the High Court has done in the present case presents a veneer of judicial reasoning, bereft of the substance which constitutes the heart of the judicial process. Reasons constitute the soul of a judicial decision. Without them one is left with a shell. The shell provides neither solace nor satisfaction to the litigant. We are constrained to make these observations since what we have encountered in this case is no longer an isolated aberration. This has become a recurring

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- A phenomenon. The National Judicial Academy will do well to take this up. How judges communicate in their judgments is a defining characteristic of the judicial process. While it is important to keep an eye on the statistics on disposal, there is a higher value involved. The quality of justice brings legitimacy to the judiciary.
- B 8. In the present case, the issue was whether the first respondent was correctly denied selection to the IAS having regard to the fact that a disciplinary penalty had been imposed upon him on 29 September 2011. The UPSC has submitted that the DOPT Guidelines apply to the constitution of Departmental Promotion Committees for the purpose of promotion, whereas, in matters relating to selection of officers from the state civil services to the IAS, the UPSC Guidelines which have been framed in exercise of powers under Article 320 of the Constitution would have to be considered.
- C 9. We do not express any opinion on the merits of the rival submissions. It was necessary for the High Court to do so since it was seized of proceedings under Article 226 of the Constitution. The High Court having not carried out the exercise, we set aside the impugned judgment and order of the High Court dated 21 November 2019. The writ petition under Article 226, WP(C) 13029 of 2019, shall stand restored to the file of the High Court.
- D 10. The first respondent has, in the meantime, retired from service. The outcome of the proceedings will have a bearing on his pensionary benefits. Hence, we request the High Court to take up the writ petition for disposal at an early date and to endeavour to do so within a period of four months from the date on which a certified copy of this order is placed on the record.
- E 11. The appeal is accordingly disposed of.
- F 12. Pending application, if any, stands disposed of.

Bibhuti Bhushan Bose

Appeal disposed of.