

**State Project Director, UP Education for All
Project Board & Ors.**

v.

Saroj Maurya & Ors.

(Civil Appeal No. 3465 of 2023)

21 August 2024

[Hima Kohli and Sandeep Mehta, JJ.]

Issue for Consideration

Matter pertains to the sustainability of the order passed by the Division Bench of the High Court, upholding the order passed by the Single Judge and the conclusions arrived at, without furnishing any reasons therefor.

Headnotes[†]

Judgment/order – Reasoned order – Requirement of – Division Bench of the High Court while upholding the order passed by the Single Judge of the High Court, concluded with an observation that it is in agreement with the approach and view of the Single Judge without furnishing any reasons therefor – Sustainability:

Held: Concept of reasoned judgment has become an indispensable part of basic rule of law and, in fact, is a mandatory requirement of the procedural law – Clarity of thoughts leads to clarity of vision and proper reasoning is the foundation of a just and fair decision – Reasons are the real live links to the administration of justice – There is a rationale, logic and purpose behind a reasoned judgment – Reasoned judgment is primarily written to clarify own thoughts; communicate the reasons for the decision to the concerned and to provide and ensure that such reasons can be appropriately considered by the appellate/higher court – Absence of reasons thus would lead to frustrate the very object – On facts, in the absence of any reasoning in the impugned judgment, the same cannot be sustained – Matter remanded back to the Division Bench for the parties to appear and address arguments afresh – Impugned judgment quashed and set aside. [Paras 3-5]

Case Law Cited

CCT v. Shukla & Bros. [\[2010\] 4 SCR 627](#) : (2010) 4 SCC 785 – relied on.

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List of Keywords

Reasoned order; Judge-made law; Concept of reasoned judgment; Rule of law; Procedural law; Clarity of thoughts; Just and fair decision; Administration of justice; Absence of reasons.

Case Arising From

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 3465 of 2023

From the Judgment and Order dated 18.04.2022 of the High Court of Judicature at Allahabad in SPLA No. 222 of 2022

Appearances for Parties

Ms. Garima Prashad, Sr. A.A.G., Krishnanand Pandeya, Divyanshu Sahay, Yash Kirti Kumar Bharti, Advs. for the Appellants.

Sanjoy Ghose, P.S. Patwalia, Sr. Advs., Ms. Mayuri Raghuvanshi, Vyom Raghuvanshi, Ms. Akanksha Rathore, Mohnish Nirwan, Ashok Kumar, Abhishek Pratap Singh, Sahil Barai, Yash Tewari, Shashank Rai, Jacob Benny, Piyush Singh, Umesh Dubey, Dushyant Parashar, R.K. Singh, Mrs. Neeraj Singh, Tom Joseph, R. Krishnaraj, Kumar Gaurav, Arjun Singh, Ramandeep Singh, Advs. for the Respondents.

Judgment / Order of the Supreme Court

Order

1. The appellant-State of Uttar Pradesh has assailed the Judgment and Order dated 18th April, 2022 passed by the Division Bench of the High Court of Judicature at Allahabad in an intra court appeal¹ directed against the common judgment and order dated 21st December, 2021 passed by the learned Single Judge in a batch of writ petitions. We have perused the impugned judgment and find that except for placing on record the case of the writ petitioners and the respondents followed by the findings returned by the learned Single Judge and the conclusions arrived at, on its own the Division Bench has not expressed its view on the issues raised before it. The judgment simply concludes with an observation that the Division Bench is in agreement with the approach and view of the learned Single Judge without furnishing any reasons therefor.

¹ Special Appeal No.222 of 2022

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2. Ms. Garima Prashad, learned Additional Advocate General appearing for the appellants submits that there were various Government Orders² issued by the State of Uttar Pradesh including G.O. dated 11th December, 2020 that was brought to the notice of the Division Bench but has not been dealt with at all. She states that much water has flown under the bridge by now and there are further G.Os. and Circulars issued by the appellants which ought to have been taken into consideration and without any application of mind, the impugned judgment has been passed simply upholding the order passed by the learned Single Judge without dealing with the submissions made by the either side. She further states that in the meantime, in view of the order passed by this Court on 02nd September, 2022 when notice was issued and it was directed that there shall be a stay on the impugned order as well as any directions passed in the contempt petition during the pendency of the matter, which order was subsequently made absolute on 02nd May, 2023 with a clarification that the appointments made by the appellants will be subject to final orders in the appeal, the appellant-State has made subsequent appointments of teachers and is continuing to do so.
3. We are of the opinion that in the absence of any reasoning in the impugned judgment, the same cannot be sustained. In this regard, we are benefitted by the following observations made by this Court in *CCT v. Shukla & Bros.*³ The relevant paragraphs of the judgment are extracted hereinbelow: -

"23. We are not venturing to comment upon the correctness or otherwise of the contentions of law raised before the High Court in the present petition, but it was certainly expected of the High Court to record some kind of reasons for rejecting the revision petition filed by the Department at the very threshold. A litigant has a legitimate expectation of knowing reasons for rejection of his claim/prayer. It is then alone, that a party would be in a position to challenge the order on appropriate grounds. Besides, this would be for the benefit of the higher or the appellate court. As arguments bring things hidden and obscure to the light of reasons,

2 For short 'the G.Os.'

3 [2010] 4 SCR 627 : (2010) 4 SCC 785

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reasoned judgment where the law and factual matrix of the case is discussed, provides lucidity and foundation for conclusions or exercise of judicial discretion by the courts.

24. Reason is the very life of law. When the reason of a law once ceases, the law itself generally ceases (Wharton's Law Lexicon). Such is the significance of reasoning in any rule of law. Giving reasons furthers the cause of justice as well as avoids uncertainty. As a matter of fact it helps in the observance of law of precedent. Absence of reasons on the contrary essentially introduces an element of uncertainty, dissatisfaction and give entirely different dimensions to the questions of law raised before the higher/appellate courts. In our view, the court should provide its own grounds and reasons for rejecting claim/prayer of a party whether at the very threshold i.e. at admission stage or after regular hearing, howsoever concise they may be.

25. We would reiterate the principle that when reasons are announced and can be weighed, the public can have assurance that process of correction is in place and working. It is the requirement of law that correction process of judgments should not only appear to be implemented but also seem to have been properly implemented. Reasons for an order would ensure and enhance public confidence and would provide due satisfaction to the consumer of justice under our justice dispensation system. It may not be very correct in law to say, that there is a qualified duty imposed upon the courts to record reasons.

26. Our procedural law and the established practice, in fact, imposes unqualified obligation upon the courts to record reasons. There is hardly any statutory provision under the Income Tax Act or under the Constitution itself requiring recording of reasons in the judgments but it is no more res integra and stands unequivocally settled by different judgments of this Court holding that the courts and tribunals are required to pass reasoned judgments/orders. In fact, Order 14 Rule 2 read with Order 20 Rule 1 of the Code of Civil Procedure requires that, the court should record findings on each issue and such findings which obviously should be reasoned would form part of

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the judgment, which in turn would be the basis for writing a decree of the court.

27. By practice adopted in all courts and by virtue of judge-made law, the concept of reasoned judgment has become an indispensable part of basic rule of law and, in fact, is a mandatory requirement of the procedural law. Clarity of thoughts leads to clarity of vision and proper reasoning is the foundation of a just and fair decision. In Alexander Machinery (Dudley) Ltd. [1974 ICR 120 (NIRC)] there are apt observations in this regard to say "failure to give reasons amounts to denial of justice". Reasons are the real live links to the administration of justice. With respect we will contribute to this view. There is a rationale, logic and purpose behind a reasoned judgment. A reasoned judgment is primarily written to clarify own thoughts; communicate the reasons for the decision to the concerned and to provide and ensure that such reasons can be appropriately considered by the appellate/higher court. Absence of reasons thus would lead to frustrate the very object stated hereinabove."

4. The matter is remanded back to the Division Bench for the parties to appear and address arguments afresh. Liberty is granted to the parties to place on record the subsequent developments in the matter so that the Division Bench is apprised of the larger perspective in the case and take an objective view in the matter. Liberty is granted to both sides to address arguments on law as also on facts afresh by additionally referring to the subsequent developments, if any besides the issues raised before the Division Bench in the light of the common judgment passed by the learned Single Judge.
5. Accordingly, the impugned judgment is quashed and set aside and the appeal filed by the appellant in the High Court is restored to its original position. The parties are directed to appear before the Roster Bench on 20th September, 2024. The interim orders passed by this Court shall continue to operate till the appeal is disposed of by the Division Bench.
6. Needless to state that liberty is granted to the respondents and/or the Intervenors to seek modification/vacation of the interim orders passed by this Court. If such an application is moved, the same shall be considered and appropriate orders passed in accordance with law.

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7. The High Court is requested to try and expedite the hearing in the appeal that has been restored. As regards the Impleadment/ Intervention applications filed by various private parties, learned AAG states that the State proposes to move before the Division Bench for impleading the Intervenors/applicants so that a comprehensive view can be taken in the matter. Liberty is granted to the impleaders/intervenors to participate in the proceedings before the Division Bench.
8. The appeal is disposed of along with pending application(s), if any.

Result of the case: Appeal disposed of.

[†]*Headnotes prepared by:* Nidhi Jain