

Administrative Law

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1. Introduction

Administrative Law is a branch of public law that governs the activities of administrative authorities of the government. In principle, it deals with the powers and functions of administrative authorities and the legal remedies available to citizens against the actions or inactions of these authorities. Unlike other branches of law, administrative law is not a codified body of law but has evolved through judicial decisions and legal principles that includes natural justice, fair play in action, rule of law, etc.

The present survey addresses the jurisprudence on administrative law during 2024 on the decisions delivered by the Allahabad High Court in the key areas of natural justice and rule of law only, as there were very few cases in the fields of adjudication, rule-making etc. and that too with no landmark change in the existing literature. As part of this survey, the past year seemed to offer ample opportunities to further shape jurisprudence, ensuring that administrative law functions more effectively and efficiently. However, while reviewing the cases on administrative law, the author could not find any ground breaking decision that offers a new orientation to the existing literature on the subject, one that could have been upheld as a foundational principle and guiding jurisprudence. However, in this survey the cases on Natural justice have been reviewed considering these principles as the central point of administrative actions.

The principles of natural justice apply both to quasi judicial as well as administrative inquiries entailing civil consequences. Administrative law is a sister concern of Constitution of India, also protects the fundamental rights of citizens, as guaranteed by the Constitution of India. In *A.K. Kraipak v. Union of India*¹ the court emphasised on “the aim of the rules of natural justice is to secure justice or to put it negatively, to prevent miscarriage of justice and justice, in a society which has accepted socialism as its article of faith in the Constitution is dispensed not only by judicial or quasi-judicial authorities but also by authorities discharging administrative functions.” In *Maneka Gandhi v. Union of India*² also the application of principle of natural justice was extended to the administrative action of the State and its authorities. In *Union of India v. Tulsiram Patel*³ to know what is natural justice, the court referred that 'natural justice has been variously defined by different judges,

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¹ (1969) 2 SCC 262.

² (1978) 1 SCC 248.

³ (1985) 3 SCC 398.



a few instances will suffice'.⁴ The principles of natural justice (*nemo iudex in causa sua*⁵ the rule against bias and *audi alteram partem*⁶ the right to a fair hearing), ensures fairness and transparency in all administrative processes. Further, recording of reasons is a principle of natural justice and every judicial/quasi-judicial order must be supported by reasons to be recorded in writing. It ensures transparency and fairness in the decision-making process. The person who is adversely affected wants to know as to why his submissions have not been accepted. Giving of reasons ensures that a hearing is not rendered as a meaningless charade.⁷

This legal framework is crucial for a welfare state like India, where the government plays a significant role in the lives of its citizens. Without it, administrative actions could become arbitrary and oppressive, undermining the democratic and constitutional framework of the country. The administrative law provides a mechanism for judicial review, allowing citizens to challenge administrative actions⁸ in court. This ensures that a person whose rights have been violated by an administrative decision can seek a remedy. For example, if a government agency unfairly denies a license or permit, the affected individual can challenge that decision in court, and the court will review whether the agency followed the proper legal

⁴ As cited in *Union of India v. Tulsi Ram Patel* (1985) 3 SCC 398. In *Drew v. Drew and Leburn* [1855] 2 Macq. 1,8, Lord Craworth defined it as "universal justice". In *James Dunbar Smith v. Her Majesty The Queen* [1877-78] 3 App. Cas. 614,623 J.C., Sir Robert P. Collier, speaking for the Judicial Committee of the Privy Council, used the phrase "the requirements of substantial Justice", while in *Arthur John Spacmkan v. The Plumstead District Board of Works L.R.* [1884-85] 10 App. Case. 229,240, Earl of Selborne, L.C., preferred the phrase "the substantial requirements of justice". In *Vionet and another v. Barrett and another* [1885] 55 L.J. Q.B. 39,41, Lord Esher, M.R., defined natural justice as "the natural sense of what is right and wrong". While, however, deciding *Hopkins and another v. Smethwick Local Board of Health L.R.* [1890] 24 Q.B.D. 712,716, Lord Esher, M.R., instead of using the definition given earlier by him in *Vionet and another v. Barrett and another* chose to define natural justice as "fundamental justice". In *Ridge v. Baldwin L.R.* [1963] 1. Q.B. 539,578, Harman, L.J., in the Court of Appeal equated natural justice with "fair play of action", a phrase favoured by Bhagwati, J., in *Maneka Gandhi v. Union of India* [1978] 2 S.C.R. 621,676. In re. H.K. (An Infant) L.R. [1967] 2 Q.B. 617,630, Lord Parker, C.J., preferred to describe natural justice as a duty to act fairly". In *Fair-mount Investment Ltd. v. Secretary of State for the Environment* [1976] 1 W.L.R. 1255,1265-66, Lord Russell of Killowen somewhat picturesquely described natural justice as "a fair crack of the whip". While Geoffrey Lane L.J., in *Regina v. Secretary of State for Home Affairs, Ex parte Hosenball* [1977] 1 W.L.R. 766,784, preferred the homely phrase "common fairness".

⁵ The first rule is "nemo iudex in causa sua" or "nemo debet esse iudex in propria causa" as stated in *12 Co. Rep. 114*, that is, no man shall be a judge in his own cause". Coke used the form "aliquis non debet esse iudex in propria causa quia non potest esse iudex et pars" (Co. Litt. 141a), that is, "no man ought to be a judge in his own cause, because he cannot act as a judge and at the same time be a party". The form "nemo potest esse simul actor et iudex", that is, "no one can be at once suitor and judge" is also at times used. Cited in *Union of India v. Tulsi Ram Patel* (1985) 3 SCC 398.

⁶ The second rule is "audi alteram partem", that is, "hear the other side". At times and particularly in continental countries the form "audietur et altera pars" is used, meaning very much the same thing.

⁷ *D.K. Agrawal v. Council of the Institute of Chartered Accountants of India*, (2021) SCC OnLine SC 903.

⁸ Lord Diplock in *Council of Civil Service Unions v. Minister for the Civil Service*, [1984] 3 All E.R. 935 (H.L.), described the principles of judicial review of administrative action as illegality, procedural impropriety and irrationality. He said more grounds could in future become available, including the doctrine of proportionality which was a principle followed by certain other members of the European Economic Community.

procedures and acted fairly. In *Breen v. Amalgamated Engineering Union*⁹ Lord Denning emphasised that “statutory body is required to act fairly in functions whether administrative or judicial or quasi-judicial.”

Further, administrative law holds immense importance in India due to its vast and complex administrative machinery. It covers a vast range of governmental functions like public health and sanitation, trade, taxation, and education etc. It is the law that prevents government bodies from acting arbitrarily and ensures they operate within the bounds of the law. Its primary function is to control and regulate government power. It acts as a check on administrative discretion, preventing potential abuse of power by public officials. By doing so, it upholds the principle of the rule of law, ensuring that everyone, including the government, is subject to the law. Hon'ble Alok Mathur, Judge, The High Court of Allahabad, has quoted the Apex Court observation in *Wasi Ahmad v. State of U.P. & Ors.*¹⁰ that "Principles of natural justice are to some minds burdensome but this price - a small price indeed - has to be paid if we desire a society governed by the rule of law."

Prof. Wade in his book¹¹ has pointed out that:

The concept of natural justice has existed for many centuries and it has crystallised into two rules: that no man should be judge in his own cause; and that no man should suffer without first being given a fair hearing.... They (the courts) have been developing and extending the principles of natural justice so as to build up a kind of code of fair administrative procedure, to be obeyed by authorities of all kinds. They have done this once again, by assuming that Parliament always intends powers to be exercised fairly.

Justice Krishna Iyer in *Mohinder Singh Gill v. Chief Election Commissioner*¹² observed on natural justice that is adequate proof of this statement:

It has many colours and shades, many forms and shapes and, save where valid law excludes, it applies when people are affected by acts of Authority. It is the bone of healthy government, recognised from earliest times and not a mystic testament of judge-made law. Indeed, from the legendary days of Adam-and of Kautilya's Arthasastra-the rule of law has had this stamp of

⁹ [1971] 1 All E.R. 1148 (C.A.).

¹⁰ (2024) 10 ILRA 327.

¹¹ H.W.R. Wade, *Administrative Law* 10 (Clarendon Press, Oxford, 6th edn., 1988).

¹² (1978) 3 SCC 405.



natural justice which makes it social justice. We need not go into these depths for the present except to indicate that the roots of natural justice and its foliage are noble and not new-fangled. Today its application must be sustained by current legislation, case-law or other extant principle, not the hoary chords of legend and history. Our jurisprudence has sanctioned its prevalence even like the Anglo-American system. The dichotomy between administrative and quasi-judicial functions vis a vis the doctrine of natural justice is presumably obsolescent after *Kraipak*¹³ in India and *Schmidt*¹⁴ in England.

2. Principles of Natural Justice

The High Court of Allahabad has delivered several judgments where the principles of natural justice, as established by the Supreme Court of India and the English courts, have been followed. In the following cases, it will be seen how the High Court upheld the rights of individuals who were punished or dismissed from service in violation of these principles, without being given a proper notice or an opportunity of hearing.

2.1 Audi Alteram Partem

*Sushil Kumar Shukla v. State of U.P. & Ors.*¹⁵ Petition allowed by Rajesh Singh Chauhan, J. Here the Petitioner challenged the validity of the specific orders. First, the order of major punishment of reversion of the petitioner that was passed by Collector/District Magistrate to the initial/basic pay as a Stenographer without following prescribed procedure. Second, the validity of the order passed by the Appellate Authority. Third, the order passed by opposite party no.2 in the statutory revision filed by the petitioner inasmuch as the orders were mechanically passed in violation of the U.P. Government Servant (Discipline and Appeal) Rules, 1999. Further, these orders were without application of mind and without conducting the departmental inquiry strictly in accordance with law. The court held that:

The findings of the Inquiry Officer/ inquiry report are liable to be set aside/quashed inasmuch as the departmental inquiry has been conducted and concluded without fixing date, time and place for oral inquiry and without

¹³ *AK Kraipak v. Union of India* (1969) 2 SCC 262.

¹⁴ *Schmidt v. Home Office* [1969] 2 WLR 337, Lord Denning MR observed that, “An administrative body may, in a proper case, be bound to give a person who is affected by their decision an opportunity of making representations. It all depends on whether he has some right or interest, or, I would add, some legitimate expectation, of which it would not be fair to deprive him without hearing what he has to say.”

¹⁵ (2024) 8 ILRA 314; see also, *Sunder Lal v. State of Uttar Pradesh*, (2024) 8 ILRA 326.

affording ample opportunity of hearing to the petitioner. Since the very foundation of the impugned order dated 30.08.2006 passed pursuant to the defective inquiry report is not liable to be sustained in the eyes of law, therefore, the impugned punishment order dated 30.08.2006 is liable to be set aside/ quashed. Consequently, the impugned appellate order and revision order dated 2/6.02.2008 and 28.12.2019 are also liable to be set aside/ quashed and are liable to be declared non est on the basis of maxim "sublato fundamento cadit opus", which means that if the very foundation of any structure goes, the superstructure erected thereon would also fall.

*In M/S Devi Dayal Trust & Ors. v. M/S Rajhans Towers Pvt. Ltd*¹⁶ The matter before the Court was whether under Article 227 of the Constitution of India, High Court can set aside the impugned order passed by the Commercial Court at Gautam Buddha Nagar returning the application filed under Section 34 of the Arbitration and Conciliation Act, 1996 for want of territorial jurisdiction? Allowing the Petition, the Court through Justice Shekhar B Saraf held that:

Article 227 of the Constitution of India bestows upon the High Courts an extraordinary power of superintendence over all courts and tribunal within their respective jurisdiction. This power is a potent tool for ensuring the proper administration of justice and upholding the rule of law. It serves as a bulwark against judicial error, administrative excess, and procedural irregularity. Power of superintendence under Article 227 is inherent in the High Courts by virtue of their status of superior courts of record. This inherent jurisdiction enables the High Courts to exercise oversight over all subordinate courts and tribunals, irrespective of whether specific statutory provisions provide for such supervision.

The High Court referred the judgment of Apex Court in *Estelia Rubber v. Dass Estate (P) Ltd.*,¹⁷ where the Hon'ble Supreme Court reiterated the scope and ambit of Article 227:

The scope and ambit of exercise of power and jurisdiction by a High Court under Article 227 of the Constitution of India is examined and explained in a number of decisions of this Court. The exercise of power under this article involves a duty on the High Court to keep inferior courts and tribunals within the bounds of their authority and to see that they do the duty expected or required of them in a legal manner. The High Court is not

¹⁶ (2024) 5 ILRA 1242.

¹⁷ (2001) 8 SCC 97.



vested with any unlimited prerogative to correct all kinds of hardship or wrong decisions made within the limits of the jurisdiction of the subordinate courts or tribunals. Exercise of this power and interfering with the orders of the courts or tribunals is restricted to cases of serious dereliction of duty and flagrant violation of fundamental principles of law or justice, where if the High Court does not interfere, a grave injustice remains uncorrected. It is also well settled that the High Court while acting under this article cannot exercise its power as an appellate court or substitute its own judgment in place of that of the subordinate court to correct an error, which is not apparent on the face of the record. The High Court can set aside or ignore the findings of facts of an inferior court or tribunal, if there is no evidence at all to justify or the finding is so perverse, that no reasonable person can possibly come to such a conclusion, which the court or tribunal has come to.

Based on the Apex Court ruling the High Court of Allahabad in exercise of its power under Article 227 of the Constitution of India, sets aside the impugned order dated March 15, 2022 passed by the Commercial Court, Gautam Buddh Nagar that has failed to exercise its jurisdiction.

*Awadhesh Kumar Pandey v. State of U.P. & Ors.*¹⁸ This case is related to the teacher regularization under UP Secondary Education Service Selection Board Act, 1982. However, the rejection order was passed without following the procedure in cyclostyle manner. The Legality of the Order was challenged. The Court quashed the orders of rejection and allowed the writ petition. Hon'ble Shree Prakash Singh, J. based the judgment on the decision of Supreme Court¹⁹ observed that:

Under the Constitutional Scheme, one of the most important ingredients which is to be taken care of, is the rules of principle of natural justice – Even in administrative proceeding, the application of the rules of 'audi alteram partem', is must – Opportunity of hearing is a substantive obligation, which is based on fundamental principle of natural justice – The petitioners have not been associated while considering their cases for regularisation, u/s 33-G of the Act, 1982, as, neither any notice is issued to the petitioner nor any record was called from the Committee of Management concerned, which, prima facie, is a violation of rules of principle of natural justice.

¹⁸ (2024) 5 ILRA 487.

¹⁹ *State Bank of India v. Rajesh Agarwal* (2023) 6 SCC 1.

Rambha Singh v. State of U.P. & Ors.,²⁰ is a special appeal before Ashwani Kumar Mishra, and Syed Qamar Hasan Rizvi, JJ., against the order of dismissal of the writ petition by a single judge on the ground that recruitment process was not transparent and fair. Dismissing the appeal, the court held that:

In the facts of the case, we find that the process of recruitment has been initiated in undue haste without any resolution passed by the managing committee for initiating the process of recruitment on the post of Headmaster. Admittedly the appointing authority is the committee of management and in the absence of its authorisation the process of recruitment would be without authority of law. ... The recruitment process does not appear to be fair and transparent, inasmuch as, all persons with higher quality point marks are shown absent and two of the candidates, who had applied for appointment, have not been permitted to take part in the recruitment.

So the court here dismissing the special appeal also observed that:

In such circumstances, the decision of the District Basic Education Officer to cancel the approval of petitioner's appointment and dismissal of the writ petition by the learned Single Judge would not require any interference in the present appeal.

In *Priyanka Dubey v. State of U.P. & Ors.*,²¹ the Petitioner, a B.Sc. 3rd-year student, appeared for her examinations in 2009. Her result was withheld due to alleged manipulation of answer sheets. A cryptic show-cause notice was issued without providing copies of the incriminating answer sheets. Despite the petitioner denying the allegations, the University failed to communicate any decision and subsequently cancelled her examination based on presumptions. After a lapse of five years, she was offered the opportunity to reappear for the 2014-15 examinations. Hon'ble Alok Mathur, J. observed that:

In the aforesaid circumstances, this Court is of the considered view that the proceedings conducted by the respondents were clearly in gross violation of principle of natural justice and such proceedings cannot be sustained. The second aspect of the matter is with regard to the non-communication of the order dated 21.05.2012. Merely passing of the order is not sufficient to hold a person guilty during an inquiry but it is equally essential and

²⁰ (2024) 5 ILRA 1111.

²¹ (2024) 7 ILRA 40.



mandatory that such an order should in fact be communicated to the delinquent at the conclusion of the enquiry proceedings. Non communication of the order renders the same non-est and non-existing and no action can be taken in furtherance of the order which has not been communicated to the party concerned.

In *Prashant Chandra v. Harish Gidwani Deputy Commissioner of Income Tax Range 2*,²² the Contempt Application, the Court finds that the charges framed on 1.11.2023 are proved against the opposite party. The Court also believes that the opposite party's actions were not only in contempt but also done with malice. He handled the applicant's money despite clear directions of this Court, and there was no valid reason for such conduct.

The High Court through Justice Irshad Ali reminded the importance of rule of law in a democratic state and judiciary as the guardian of the rule of law observed that:

Disobedience of this Court's order strikes at the very root of the rule of law on which the judicial system rests. The rule of law is the foundation of a democratic society. Judiciary is the guardian of the rule of law. Hence, it is not only the third pillar but also the central pillar of the democratic State. If the judiciary is to perform its duties and functions effectively and remain true to the spirit with which they are sacredly entrusted to it, the dignity and authority of the Courts have to be respected and protect at all costs. Otherwise, the very corner stone of our constitutional scheme will give way and with it will disappear the rule of law and the civilized life in the society. That is why it is imperative and invariable that Court's orders are to be followed and complied with.

In *Smt. Shivani Chaurasia & Anr. v. State of U.P. & Anr.*,²³ the issue before the court was whether the Collector (Stamp) who acts as a quasi-judicial authority possesses any power, inherent or statutory, to recall/review an order passed under Section 47-A of the Indian Stamp Act, 1899. Upon a perusal of the Act the court through Justice Shekhar B. Saraf, held that no such power seems to be made available to the Collector and observed:

The distinction between constitutional courts and quasi-judicial authorities is significant, particularly when it comes to the exercise of review or recall powers. Constitutional courts, being courts of record under the Constitution, enjoy inherent powers to review their own orders and correct errors in the

²² (2024) 8 ILRA 428.

²³ (2024) 5 ILRA 1528.

interest of justice. This inherent power is derived from the constitutional mandate and is essential for maintaining judicial independence and upholding the rule of law. In contrast, quasi-judicial authorities lack inherent powers and can only exercise those powers which have been expressly conferred upon them by the statutes from which they derive their jurisdiction. The absence of inherent powers means that quasi judicial authorities cannot arbitrarily review or recall their orders unless such power is specifically conferred upon them by their governing statute.

This judgment reinforces the supremacy of the rule of law, where fairness and accountability remain paramount. The quasi-judicial authorities are creatures of statute, and their powers are strictly limited to what the law confers upon them. Their lack of inherent power ensures that they cannot act beyond their mandate, thereby preventing arbitrariness. In essence, the distinction between constitutional courts and quasi judicial bodies, not only preserves judicial integrity but also safeguards democratic governance by ensuring that power is exercised responsibly and within the framework of law to uphold rule of law.

*A.K. Construction Company v. Union of India & Ors.*²⁴ In this writ petition under Article 226 of the Constitution of India, the petitioner challenged the order dated March 31, 2024, by which the Chief General Manager, NHAI, terminated the contract for operating the Kaithi Fee Plaza and further debarred the petitioner from bidding for six months. The order was preceded by a show cause notice dated May 24, 2024, and a reply submitted by the petitioner on May 27, 2024. The issue before the court was the reasonability of order of blacklisting of the contractor and show cause notice. Shekhar B. Saraf, J. held that:

The present order passed by the authority concerned suffers from the vice of violation of principles of natural justice as well as it fails on the altar of proportionality.” The court observed that: “there seems to be a major lacuna in the impugned order with regard to addressing all the points and the submissions that have been raised by the petitioner in their reply. The nature of the show cause notice also indicates a premeditated mind. A show cause notice cannot be read hyper technically, and it is to be read reasonably. But the person who is subject to it must get the impression that he will get an effective opportunity to rebut the allegations contained in the show cause notice and prove his innocence. A quasi-judicial authority must record reasons in support of its conclusions. The ongoing judicial trend in all countries committed to the rule of law and constitutional governance is in

²⁴ (2024) 7 ILRA 629.



favour of reasoned decisions based on relevant facts. Insistence on reason is a requirement for both judicial accountability and transparency. Reasons in support of decisions must be cogent, clear, and succinct. Therefore, for the development of law, the requirement of giving reasons for the decision is of the essence and is virtually a part of 'due process'. It is also to be noted that any governmental or public authority's decision to blacklist a contractor is open to judicial review, ensuring adherence to natural justice principles, particularly *audi alteram partem* and the doctrine of proportionality.

In this case Justice Shekhar B. Saraf set aside the impugned order, holding that it violated the principles of natural justice and failed the test of proportionality. The Court emphasized that the order did not adequately deal with the petitioner's submissions and reflected a premeditated approach. It reiterated that a show cause notice must give the recipient a real and effective opportunity to contest allegations, and quasi-judicial authorities are duty-bound to record clear and cogent reasons for their decisions. The Court highlighted that reasoned decisions are essential for judicial accountability, transparency, and the development of law, forming part of due process itself. Importantly, it reaffirmed that blacklisting by a governmental authority is subject to judicial review and must comply with the twin pillars of natural justice—*audi alteram partem* (the right to be heard) and the doctrine of proportionality.

*Vinod Kumar Jain v. State of U.P. & Ors.*²⁵ In this case the Petitioner purchased certain plots of land and paid stamp duty. His name recorded as *bhumidhar* with transferable rights. After three years he received a show-cause notice based on an alleged inspection report that the matter proceeded *ex-parte* and order passed same day imposing deficiency of stamp and penalty with interest. The nature of the land at the time of execution was agricultural. The authorities treated the land as non-agricultural. The spot inspection was conducted without involving property owner. the authorities passed an order on the same day imposing deficiency of stamp and imposed penalty along with interest on the Petitioner. The Petitioner submitted an application on the same day before the authority concerned in order for his reply to be taken on record. However, the authority concerned rejected the said application saying that since the order has been passed, the reply will not be considered. The present petition is to quash the impugned order in the absence of fair procedure. Shekhar B. Saraf, J allowed the writ petition and referred many judgments of the Apex Court. He on the

²⁵ (2024) 5 ILRA 2097.

basis of common thread that runs across these judgments,²⁶ quashed and set aside the impugned order and observed that:

The common thread that runs across these judgments is that although the principle of audi alteram partem can evolve itself given the facts and circumstances of each case, its significance and applicability is universal. Audi alteram partem, which is a part of the doctrine of natural justice, finds its roots primarily in the constitutionally guaranteed ideal of equality. This principle ensures that no one is condemned, penalized, or deprived of their rights without a fair and reasonable opportunity of hearing. It acts as a safeguard against arbitrary decision making, upholding the principle of due process while also providing a crucial foundation for just and equitable legal or administrative proceedings.

Further, the decision in *State of Kerala v. K.T. Shaduli Grocery Dealer Etc.*²⁷ wherein the court examined the principle of natural justice from the judgment of Tucker, L.J. in *Russel v. Duke of Norfolk*²⁸ is also cited wherein Tucker, L.J. observed “.....I do not derive much assistance from the definitions of natural justice which have been from time to time used, but, whatever standard is adopted, one essential is that the person concerned should have a reasonable opportunity of presenting his case.”

In *M/S Mid Town Associates v. Additional Commissioner Grade-2(Appeal), Judicial Division IInd, State Tax, Moradabad & Ors.*,²⁹ the main question is related to the compliance of EWay bill as required under the provisions of the CGST/UPGST Act and related rules. The petitioner contends that compliance was timely achieved, while the respondents argued that the absence of an E-Way bill during transit constituted a violation. Justice Shekhar B. Saraf allowed the petition filed under article 226 of the Constitution of India and held that:

In the facts and circumstances, it is clear that only violation is a technical one wherein E-Way Bill was not present in the vehicle. However, it is clear that the E-Way Bill had been downloaded prior to the interception of the vehicle. Furthermore, invoice and the E-Way Bill matched with the goods

²⁶ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248; *S.L. Kapoor v. Jagmohan*, (1980) 4 SCC 379; *State Bank of India v. Rajesh Agarwal*, (2023) 6 SCC 1; *Madhyamam Broadcasting Limited v. Union of India*, (2023) SCC OnLine 366; *A.K. Kraipak v. Union of India*, (1969) 2 SCC 262; *Maharashtra State Financial Corporation v. Suvarna Board Mills*, (1994) 5 SCC 566; *Dharampal Satyapal Limited v. Deputy Commissioner of Central Excise, Gauhati*, (2015) 8 SCC 519; *Ridge v. Baldwin* [1964] AC 40 etc.

²⁷ (1977) 2 SCC 777.

²⁸ (1949) 1 All ER 109.

²⁹ (2024) 5 ILRA 837.



in the vehicle, and accordingly, one can infer that there was no mens rea for the evasion of tax.....from the perusal of the record that the show cause notice and the penalty order both were issued on the same day, which indicates that no opportunity of hearing was given to the petitioner to submit his reply which is a gross violation of the principles of natural justice.

*Dhirendra Kumar Chaudhary v. State of U.P. & Ors.*³⁰ In the present case the appellant, a peon was dismissed from his service based on the disciplinary proceeding and evidence considered by the inquiry officer were not put to the petitioner's notice.

Hon'ble J.J. Munir, J allowing the petition observed that:

We do not think that all the technical evidence, that the Disciplinary Authority and the Inquiry Committee took into consideration, was brought to the petitioner's notice with opportunity to him to rebut the same. In the absence of all this being done the findings of the Disciplinary Authority and the Appellate Authority are utterly vitiated for violation of principles of natural justice that have led to demonstrable prejudice to the petitioner. The result would be that all proceedings, beyond the charge sheet, stand vitiated and it would remain open to the respondents to proceed against the petitioner de novo from the stage of the charge-sheet.

*Manjeet Singh v. State of U.P. & Ors.*³¹ In this cases Hon'ble Rajesh Singh Chauhan, J. delivered the judgment. The writ petition for issuing Certiorari is related to the departmental inquiry under Uttar Pradesh Government Servant (Discipline and Appeal) Rules, 1999. Here in absence of legal formality petitioner was asked to appear before disciplinary authority for personal hearing and submit his explanation to inquiry report. He was not given proper opportunity of hearing which should be afforded to the delinquent employee for conducting departmental inquiry. In this case the procedure has not been followed by inquiry officer nor by disciplinary authority as he has not verified fact as to whether inquiry officer has conducted inquiry in accordance with law or not. Hon'ble Rajesh Singh Chauhan, J. quashing the order, remanded the matter back to conclude inquiry by affording an opportunity of personal hearing and to examine witnesses in conformity with the principles of Natural Justice. The court followed the judgments of Apex Court in: *State of U.P. v. Saroj Kumar Sinha*³² wherein the guidelines and directions have been issued

³⁰ (2024) 5 ILRA 522.

³¹ (2024) 7 ILRA 72; see also, *Smt. Neetu Chaudhary v. State of U.P.* (2024) 11 ILRA 37.

³² (2010) 2 SCC 772.

by the Apex Court³³ time and again, has not been followed in the present case.

In a similar case of *Uma Shanker Prasad v. State of U.P. & Ors.*³⁴ Here the validity of the inquiry report was challenged wherein no copy of the inquiry report was supplied by disciplinary authority in disciplinary proceeding and major penalty imposed. The disciplinary authority also did not verify the relevant aspect as to whether the Inquiry Officer had fixed date, time and place for conducting the oral inquiry. Hon'ble Rajesh Singh Chauhan, J setting aside the penalty, allowed the writ petition, observed that:

This is a settled law that for conducting the departmental inquiry, the Inquiry Officer shall fix date, time and place for conducting oral enquiry and after the conclusion of the inquiry by the Inquiry Officer, the copy thereof shall be furnished/submitted before the disciplinary authority, thereafter, the disciplinary authority shall provide the copy of the inquiry report to the delinquent employee seeking explanation thereon. The aforesaid exercise has been indicated in the Rules, 1999 and the same is in conformity with the principles of natural justice. Without providing the copy of the inquiry report, the delinquent employee may not submit his explanation. Even if he is called for personal hearing, that would not suffice the purpose inasmuch as unless and until the delinquent employee receives the copy of the inquiry report, he would not be able to defend himself properly.

Rakesh Chandra Jauhari v. State of U.P. & Anr (2024) 12 ILRA 223, is another case wherein major penalty was imposed of reduction to the basic pay scale in perpetuity in a disciplinary proceeding without conducting any enquiry. This was challenged. No witnesses were examined by the establishment and the Inquiry Officer opined merely on the basis of idle papers. The court allowed the petition and relying on the decision of the Supreme Court in *Satyendra Singh v. State of U.P. and another*³⁵ held that:

There was a fundamental breach of salutary procedure. No evidence whatsoever was produced, particularly, witnesses in support of the charges by the Establishment to prove them. The Inquiry Officer sat with a closed

³³ “When a departmental enquiry is conducted against the government servant it cannot be treated as a casual exercise. The enquiry proceedings also cannot be conducted with a closed mind. The inquiry officer has to be wholly unbiased. The rules of natural justice are required to be observed to ensure not only that justice is done but is manifestly seen to be done. The object of rules of natural justice is to ensure that a government servant is treated fairly in proceedings which may culminate in imposition of punishment including dismissal/removal from service.”

³⁴ (2024) 7 ILRA 78; see also *Ravikant Shukla v. State of U.P.* (2024) 11 ILRA 24.

³⁵ (2024) SCC OnLine SC 3325.



mind, shuffled through the charge sheet and the petitioner's reply besides idle papers, and cursorily held the charges proved.The disciplinary proceedings against an employee shall be conducted by the Inquiry Officer with due observance of the principles of natural justice.

*Km. Farha v. State of U.P. & Ors.*³⁶ is a case wherein the petitioner challenged the impugned order in which no reasons given as to why the claim of the petitioner for compassionate appointment has been rejected. Abdul Moin, J. quashing the impugned order allowed the writ petition and held that:

It is settled position of law that every order should be a speaking order in as much as reasons should emerge reflecting application of mind by the competent authority on the disputes which arrive before him. The order impugned dated 02.03.2020 does not indicate as to why the claim of the petitioner for compassionate appointment has been rejected and thus it is apparent that the order impugned is patently nonspeaking.

*Anand Kumar Asthana v. State of U.P. & Anr.*³⁷ In this case the validity of major punishment imposed, without opportunity of hearing, and without providing the documentary evidence and serving the list of witnesses was challenged under Article 311(2)³⁸ of Constitution of India and Rule 7 of U.P. Government Servant (Discipline and Appeal) Rules, 1999. The Court through Hon'ble Shree Prakash Singh, J. quashed the impugned punishment, allowed the writ petition and held that:

It is evident that the charges are not so grave in nature, which could lead to the major punishment, though, it has been pleaded by the opposite parties that on the show cause notice itself, a note was transcribed that 'the work of the petitioner is unsatisfactory', to which petitioner has vehemently controverted and stated that aforesaid noting was never intimated/served upon the petitioner. For the other reasons also, the show cause notice cannot be a proof of any misconduct, unless a decision is taken, while affording the opportunity of hearing to such employee, more so, noting 'unsatisfactory' was also not intimated to the petitioner, as the opposite parties have failed to substantiate it, before this court.

³⁶ (2024) 11 ILRA 48.

³⁷ (2024) 5 ILRA 165.

³⁸ Article 311 is subject to Article 14. Principles of natural justice and the *audi alteram partem* rule are part of Article 14 as observed in *Union of India v. Tulsi Ram Patel* (1985) 3 SCC 398.

*M/s Khandelwal Brothers v. Joint Chief Controller of Explosives (Madhyanchal), Agra, PESO & Ors.*³⁹ This writ petition by the petitioner Under Article 226 of the Constitution of India, 1950 is regarding cancellation of licence of Respondent No.2 that has resulted in the loss of the business of the petitioner. The petitioner was not given the chance to explain the inconsistencies and dispute with regard to the title which was the subject matter that has resulted in the said cancellation. It is also important to mention that the petitioner has been carrying out his retail outlet since 1988 and there have been no complaints against the petitioner. The writ petition is disposed off by Shekhar B. Saraf, J. & Manjive Shukla, J. The Court held that:

In our view, the principle of audi alteram partem has been bed rocked in the quasi judicial decision taken by the State and/or its instrumentalities acting on behalf of the State. In a situation wherein no opportunity of hearing is granted to the affected parties, there is obviously a breach of principles of natural justice and prejudice is caused to the party who has not been heard. In the present case, the violation of principles of natural justice has directly resulted in prejudice to the petitioner, and accordingly, we are of the view that the action taken by the Respondent No.1 is not correct. A catena of Hon'ble Supreme Court judgments and judgments of this High Court have held that even though the statute/rule do not provide for a specific opportunity of hearing to be granted, when there are civil consequences affecting a party, the right approach is to grant an opportunity of hearing to him.

*Rajan Agarwal v. United India Insurance Co. Ltd.*⁴⁰ In this writ petition the Petitioner challenged the major punishment to the petitioner reducing him by three steps in scale, his discharge and the disciplinary actions taken against him in violation of natural justice. The petitioner was not provided a defence assistant despite his mental disorder, and the enquiry was *ex-parte*. Therefore, discharging the petitioner on medical grounds was not legal under Section 47 of the Disabilities Act 1995. The court allowed the writ petition as the order suffers from vices of principles of natural justice due to non-consideration of claim setup by the petitioner.

*Ram Dularey Yadav Higher Secondary School & Anr. v. State of U.P. & Ors.*⁴¹ In the present case the impugned order renewing the registration certificate-at the behest of

³⁹ (2024)9 ILRA 879.

⁴⁰ (2024)8 ILRA 926.

⁴¹ (2024)5 ILRA 1588.



respondent dated 19th December 2023 has been passed by the Deputy Registrar without affording proper opportunity of hearing to the petitioners and that too in illegal and arbitrary manner and against the provision of Act, 1860. The petitioners informed that as per the by-laws, the term of the Committee of Management is prescribed as three years and the election of Committee of Management has regularly been held and time and again the list of the members as well as the office bearers of the society were sent to the office of Deputy Registrar, as prescribed under the provision of the Act, 1860. Hence the same maybe quashed.

The Petition was allowed by Shree Prakash Singh, J., observed that the Hon'ble Apex Court, time and again has held that the 'opportunity of hearing' is one of the major and essential ingredient so as to make a test of any decision of an authority. The decision might be administrative, judicial or quasi judicial, but person affected must be heard before a decision is taken. The courts generally favour interpretation of a statutory provision consistent with the principles of natural justice because it is presumed that the statutory authorities do not intend to contravene fundamental rights.⁴² The court took the decision of Apex court in *State Bank of India and Others v. Rajesh Agarwal and others*⁴³ as a guiding star for Natural justice principle and accordingly allowed petition by citing the Apex court decision as under:

We need to bear in mind that the principles of natural justice are not mere legal formalities. They constitute substantive obligations that need to be followed by decision-making and adjudicating authorities. The principles of natural justice act as a guarantee against arbitrary action, both in terms of procedure and substance, by judicial, quasi-judicial, and administrative authorities. Two fundamental principles of natural justice are entrenched in Indian jurisprudence: (i) *nemo iudex in causa sua*, which means that no person should be a judge in their own cause; and (ii) *audi alteram partem*, which means that a person affected by administrative, judicial or quasi-judicial action must be heard before a decision is taken.

*In Amity Int. School v. Presiding Officer Labour Court & Anr.*⁴⁴ the petitioner has been terminated after departmental enquiry. Aggrieved by the termination the petitioner moved to challenge the legality and validity of terminating the services for violation of principles of natural justice and fair play during the domestic enquiry. The Court through Dinesh Pathak J. allowed the writ petition observed that:

⁴² See also, *Managing Director, ECIL, Hyderabad v. B. Karunakar*, (1993) 4 SCC 727; *State Bank of India v. Rajesh Agarwal*, (2023) 6 SCC 1.

⁴³ (2023) 6 SCC 1.

⁴⁴ (2024) 5 ILRA 2372.

Having considered the law laid down by the Hon'ble Supreme Court, and precisely the observations made by the Constitutional Bench of Hon'ble Supreme in the case of Karnataka State Road Transport Corporation,⁴⁵ this Court has no doubt in mind that the issue qua violation of principles of natural justice and fair play during the domestic enquiry should be decided first as a preliminary issue. There is no need to discuss the merits of the case or other points inasmuch as matter referred to the labour court is still subjudice, therefore, any observation made by this Court would effect the merits of the case. As such, instant writ petition succeeds and is allowed.

*Agmotex Fabrics Pvt. Ltd. v. State of U.P. & Ors.*⁴⁶ In the present case the petitioner challenged the impugned order dated September 12, 2024. Impugned order is only a copy-paste of the reply given by the petitioner to the show cause notice and the explanation provided therein has not been considered in a reasonable manner and rejected. The challenge of the petitioner was that without considering explanation and without granting an opportunity of fair hearing to him, imposing liability upon him is arbitrary and illegal. Shekhar B. Saraf, J. quashing the impugned order dated September 12, 2024 issued direction upon the respondent authorities to examine the fabrics and to provide a copy of the report to the petitioner. Further the court also directed to grant an opportunity of hearing to the petitioner and thereafter pass a reasoned order in the same.

This is a case where neither the reasoned order nor the opportunity of hearing was given by the authority. The court has referred the Apex Court decisions and Allahabad High Court decision⁴⁷ for giving directions in this case.

*C/M Ram Bharose Maiku Lal Inter College Thru Manager Sri Shree Kant Sahu & Anr v. State of U.P. & Ors.*⁴⁸ This is a case wherein the court found a clear violation of the first principle of natural justice i.e. *nemo iudex in causa sua* (no person shall be a judge in their own cause) and procedural lacunae. The court through Alok Mathur J. held that the decision-making authority must provide a fair hearing to the affected party, and the order must be passed by the authority that heard the matter. In this case, the order was passed by the Special Secretary, who neither heard the arguments nor provided the petitioner access to relevant

⁴⁵ (2001) 5 SCC 433.

⁴⁶ (2024) 11 ILRA 106.

⁴⁷ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248; *State Bank of India v. Rajesh Agarwal*, (2023) 6 SCC 1; *Singrauli Super Thermal Power Station v. Ashwani Kumar Dubey*, Civil Appeal No. 3856 of 2022, decided on July 5, 2023; *S.R. Cold Storage v. Union of India*, (2022) SCC OnLine (All) 550.

⁴⁸ (2024) 10 ILRA 236.



reports. This has created procedural impropriety and violated natural justice. Further, the Special Secretary acted as both investigator and adjudicator. This dual role breached the principle of *nemo iudex in causa sua* (no person shall be a judge in their own cause), rendering the decision void due to apprehension of bias.⁴⁹ The court opined that adherence to procedural fairness and impartiality is mandatory. The impugned order is set aside. The court remanded the matter back to the State government for taking a decision afresh in accordance with law and after following the principle of natural justice and affording full opportunity of hearing to the petitioners.

In a similar case *Wasi Ahmad v. State of U.P. & Ors.*⁵⁰ where the charge sheet issuing authority and punishing authority is the same person was challenged as violation of natural justice. Alok Mathur J. allowed the writ petition held that “failure to observe the principle that no person should adjudicate a dispute which he/she has dealt with in any capacity, creates an apprehension of bias.” The observations of Justice P.N. Bhagwati in *Ashok Kumar Yadav v. State of Haryana*,⁵¹ was also referred along with other cases⁵² decided by the apex court and observed that:

This Court is of the considered view that entire disciplinary proceedings as well as the appeal has been decided contrary to the settled cannons of settled principles of natural justice and was clearly hit by the principles of bias and entire disciplinary proceedings against the petitioner stands vitiated and are, accordingly, quashed.

*Mohammad Aleem @ Abdul Aleem & Anr. v. State of U.P.*⁵³ In this case all the appeals involve a common question of law hence decided together. Here the designated court has passed the order "permitted for 45 days only" is challenged as an unreasoned order. The

⁴⁹ Justice Alok Mathur referred *Union of India, Through Its Secretary, Ministry of Railway v. Naseem Siddiqui*, (2004) SCC OnLine MP 678 wherein the Court held that one of the fundamental principles of natural justice is that no man shall be a Judge in his own cause and this principle in turn consists of seven well-recognized facets, one of them being 'the adjudicator shall be impartial and free from bias' and 'if any one of these fundamental rules is breached, the inquiry will be vitiated'.

⁵⁰ (2024) 10 ILRA 327.

⁵¹ (1985) 4 SCC 417, the Court observed that “One of the fundamental principles of our jurisprudence is that no man can be a judge in his own cause. The question is not whether the judge is actually biased or has in fact decided partially but whether the circumstances are such as to create a reasonable apprehension in the mind of others that there is a likelihood of bias affecting the decision. If there is a reasonable likelihood of bias, it is in accordance with natural justice and common sense that the judge likely to be so biased should be incapacitated from sitting. The basic principle underlying this rule is that justice must not only be done but must also appear to be done.”

⁵² *Rattan Lal Sharma v. Managing Committee, Dr. Hari Ram (Coeducation) Higher Secondary School*, (1993) 4 SCC 10; *A.U. Kureshi v. High Court of Gujarat*, (2009) 11 SCC 84; *A.K. Kraipak v. Union of India* AIR 1970 SC 150; *Mohd. Yunus Khan v. State of Uttar Pradesh* (2010) 10 SCC 539.

⁵³ (2024) 5 ILRA 1341.

Court allowed the appeals held that: “the Special Court has not applied its mind to the grounds for an extension of time for the investigation.”

The Court through Manish Kumar Nigam, J. Observed on the third element of Natural Justice principle that: “Recording of reason is a principle of natural justice and every judicial order must be supported by reasons recorded in writing. It ensures transparency and legality in decision-making.”

2.2 Duty to Give Reasons

In administrative law the duty to assign reason is, however, a judge made law but in case of judicial authorities who exercise the judicial powers under the various statutes, there is no dispute that their order must contain reasons to support the orders. The judicial order without assigning any reason is not an order in the eye of the law. The court considering the fairness in administrative authorities working, observed that:

In India, the position is somewhat different but the Courts have shown a good deal of creativity in this area. A very significant reason of the Indian Courts is to develop the idea that natural justice demands that adjudicatory bodies give reasons for their decisions. The Supreme Court has also held that as several constitutional provisions guarantee judicial control of adjudicatory bodies, it is obligatory for such bodies to render reasoned decisions so as to make judicial control effective and meaningful.⁵⁴

3. Conclusion

During the year under review, the Court has, by and large, rendered decisions that are primarily anchored in the precedents already laid down by the Apex Court reflecting a cautious approach by the Allahabad High Court in the field of administrative law. There has been a consistent, and at times, rigid reliance on established jurisprudence of the Apex Court. While this approach provides certainty and stability in the law and ensures consistency and adherence to binding authority, but perhaps it lacks judicial creativity.

The survey is confined to review decisions that involved challenges to administrative actions on the ground of non-compliance with the principles of natural justice. The court has consistently and correctly quashed administrative actions where the principles of natural justice were violated. This includes instances where authorities failed to provide fair opportunity of hearing, or did not issue proper show cause notices, or acted with a pre-determined mind. There are cases of procedural lacunae as well violating the rule

⁵⁴ *Ibid.*



against bias. The court has neither explored new dimensions of fairness in the digital age nor laid down novel procedural safeguards to address emerging administrative challenges. Yet, it is significant to note that in all such matters the Court drew heavily on well-established principles derived from earlier judgments of the Supreme Court, such as those requiring tests for fairness, such as the right to be heard (*audi alteram partem*) and the rule against bias (*nemo iudex in causa sua*), reasoned decision, speaking orders and prior reasonable notice etc. thereby reinforcing the existing checks on administrative power. Finally, in the opinion of the author, while justice is served on a case-by-case basis, the broader legal landscape on administrative law remains static. The court has acted more as a vigilant custodian of existing law rather than a bold architect of new jurisprudence. So this survey ends by raising an important question - was this judicial restraint necessary to maintain consistency and stability in administrative law, or was it a missed opportunity to shape a richer jurisprudence that could respond to evolving administrative complexities?