



HIGH COURT OF ANDHRA PRADESH
MONDAY ,THE FOURTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

WRIT PETITION NO: 8511 OF 2014

Between:

1. SUDAGANI CHAYA DEVI @ MURALA SUDHA CHAYA DEVI, KRISHNA DIST W /o. Late Murala. Satyanarayana, aged about 32 years, Occ: Un-employee, Rlo.D.No.2-64, S.N.Gollapalem Village, Machilipatnam Mandal, Krishna District.

...PETITIONER(S)

AND:

1. PRL. SECRETARY, HOME AFFAIRS, NEW DELHI & 5 OTHERS Govt. of India, Ministry of Home Affairs, New Delhi.
2. The Inspector General Central Industrial Security Force(CISF (Ministry of Home Affairs) NNew Delhi.
3. The Deputy Inspector General, Central Industrial Security Force, (Ministry of Home Affairs), New Delhi.
4. The Deputy Commandant CISF Unit, BHEL, Jhansi, Utter Pradesh.
5. The IG/NSF, CISF, North Sector Head Quarters, Saket, New Delhi.
6. The Inspector General, CISF, (SS), Head Quarters, Chpt, Camps, Near war Memorial, Chennai.

...RESPONDENTS

Counsel for the Petitioner(s): VENKATESWERLLU KESAMSETTY

Counsel for the Respondents: J U M V PRASAD(CENTRAL GOVERNMENT COUNCEL

The Court made the following: ORDER



THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

WRIT PETITION No.8511 of 2014

JUDGMENT:-

1. Heard Sri K.Venkateswerllu, learned counsel for the petitioner and Sri J.U.M.V.Prasad, learned counsel for the respondents and perused the material on record.

2. This writ petition under Article 226 of the Constitution of India has been filed for the following relief:-

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble Court may be pleased to issue a Writ or order or direction more particularly in the nature of Writ of Mandamus declaring the action of the 5th respondent in issuing impugned proceedings No.E-42099/CA/DOC/SS/2013/9086, dated 22.08.2013 in not considering the petitioner’s case for compassionate appointment as a constable/GD (General Duty) or any suitable post is illegal, arbitrary and Violation of Principles of Natural Justice and contrary to the orders of the Hon’ble Supreme Court and call for records leading upto the impugned proceedings and set aside the same and consequently direct the respondents to consider petitioner’s case for compassionate appointment for the post of constable/GD or any suitable post in the existing vacancies and appoint the petitioner forthwith and pass such other orders as it may deem fit and just.”

3. The Petitioner is the widow of late Murala Satyanarayana, who was posted as constable and died while in service, on 09.11.2006. She applied for compassionate appointment for the post of Constable/GD (General Duty) or any suitable post in the Central Industrial Security Force (for short ‘CISF’). Vide letter No.E-42099/Comp.apptt/NLC/ADM-III/11/3768, dated 13.04.2011, she was called for recruitment on the post of Head



Constable/Clerk in CISF. In the recruitment process, she was declared medically fit but subject to relaxation of 10 cms in height, for which, his case was recommended by the Recruitment Board as well as IG/SS for relaxation in height, for the post of Constable/GD. However, the Ministry of Home Affairs did not approve for such relaxation and the same was intimated to the petitioner on 12.03.2012 *vide* letter No.(52), dated 22/23.02.2012.

4. The petitioner re-submitted an application dated 24.09.2012 to re-consider her case by providing compassionate appointment in CISF as HC/Clerk (Female), upon which the matter was re-examined and was closed *vide* order dated 12.11.2012, intimated to the petitioner *vide* the proceedings No.E.42099/CA/DOC/SS/2013, dated 22.08.2013 that her candidature might not be considered again as the height criteria for Female Constable/GD and Female HC/Clerk was the same.

5. Sri K. Venkateswerllu, learned counsel for the petitioner submits that the order does not give any cogent reasons as to why relaxation in height of 10 cms cannot be granted, when the petitioner had applied on compassionate ground. He further submits that the height criteria for Female HC/Clerk is not the same as the height criteria for Female Constable/GD and in any case for the post of Clerk, the height criterion deserves relaxation in the nature of the work and duties of the post which is different from the post of Constable/GD.

6. Sri J.U.M.V.Prasad, learned counsel for the respondents placing reliance on the impugned order submits that the height criteria for Female Constable/GD and Female HC/Clerk is same. The Ministry of Home Affairs rejected reconsideration as the



relaxation was rejected earlier and in this respect there is no illegality in the impugned order.

7. I have considered the submissions advanced by the learned counsels for the parties and perused the material on record.

8. It is apt to reproduce the impugned order as under:-

“No.E-42099/CA/DOC/SS/2013/9086 Dated:- 22 Aug 2013

To

The IG/NS
CISF North Sector HQrs,
Saket N.Delhi.

Subject:- FORWARDING OF REPRESENTATION SUBMITTED BY SMT S. CHAYA DEVI WIFE OF LATE BY SMT S. CHAYA DEVI WIFE OF LATE M.SATYANARAYANA, EX-CT/GD(NO.004500155) FORMERLY OF CISF UNIT BHEL JHANSI::REG.

Please refer to CISF NS Saket letter No.E-32015/COMP-APPTT/(12TH)/NS/2008-13-7145 DATED 06.08.2013 on the above subject.

2. It is intimated that No.004500155 Constable/GD M.Satyanarayana was expired on 09.11.2006 at CISF Unit Bhel Jhansi while on service. Smt. Chaya Devi W/O late CT/GD M.Satyanarayana was applied for post of Constable/GD on compassionate ground in CISF. Accordingly, she was called to attend the recruitment in CISF on compassionate ground in CISF for the post of Constable/GD at CISF Unit NLC Neyveli on 13.05.2011. During the recruitment process, she was medically fit subject to relaxation in Height-10 cms. The recruitment board as well as IG/SS was recommended her case for relaxation in Height for the post of Constable/GD. Accordingly, FHQrs New Delhi was taken up the case with MHA for grant of required relaxation in height. FHQrs, New Delhi vide letter No.(52) dated 22/23.02.2012 (copy enclosed) has intimated that MHA has not approved for grant of relaxation in height 10 cms. The same was intimated to Smt.Chaya Devi W/O late CT/GD M.Satyanarayana vide this office letter No.(2569) dated 12.03.2012 (copy enclosed).

3. Further, Smt S.Chaya Devi W/o late Const. M.Satyanarayana, was submitted an application dated 24.09.2012 requesting thereon to reconsider her case once again by affording a job in CISF as HC/Clk. The matter was again taken up with FHQrs vide this office letter No.(10689) dated 12.10.2012. FHQrs was re-examined her case and intimated that height criteria for female Constable/GD and Female HC/Clk is same. Hence, her candidature may not be considered again and may be considered closed for all purpose vide FHQrs message No.(6244) dated 12.11.2012 (copy enclosed).

4. This has the approval of IG/SS.”



9. A perusal of the impugned order dated 22.08.2013 shows that it does not specifically mention about the height criteria for Female HC/Clerk, except saying that the height criteria is same for the post of Constable/GD and HC/Clerk. The reconsideration was rejected in view of earlier rejection dated 22/23.02.2012. The order also does not assign any reason for not granting relaxation.

10. It is further apt to reproduce the call-up letter dt. 30.04.2011, Ex.P2, as annexed with the writ petition as under:-

*“OFFICE OF THE DEPUTY INSPECTOR GENERAL
CENTRAL INDUSTRIAL SECURITY FORCE
(MINISTRY OF HOME AFFAIRS)*

No.E-42099/Comp.apptt/NLC/ADM-III/11/3768

CISF UNIT NLC NEYVELI
Post: Neyvell Town Ship
Dated: 30 Apr' 2011.

To
Sudagani Chayadevi, W/o
Late Const. M.Satyanarayana,
C/o S.Vasanth Rao,
Vill: S.N.Gollapalem,
Post: Machilipatnam, Dist: Krishna,
PIN: 521 001(A.P)

Subject: **CALL-UP LETTER FOR RECRUITMENT ON COMPASSIONATE GROUNDS FOR THE POST OF HEAD CONSTABLE/CLERK IN CISF : REG.**

You are hereby directed to appear before the recruitment board at CISF Unit, NLC Neyveli., Fertilizer Barrack., Block-29 Post: Neyveli Township Dist: Cuddalore, TN- 607 807 on **13-05-2011 at 0800** hrs along with the original certificate regarding educational qualification, date of birth, Community certificates for SC/ST/OBC candidates and 05 copies of recent passport size photograph in connection with the recruitment for the post of Head Constable/ Clerk in CISF on compassionate grounds. **The minimum education qualification is Intermediate or 10 + 2 Pass or equivalent.**

2. You have to fulfill the following eligibility criteria:-

	<u>Men</u>	<u>Women</u>
(a) Height	167 Cms	153 Cms
(b) Chest in Cms	81-86 Cms	Not applicable
(c) Weight	Proportionate to height and age as per Medical standards.	
(d) Technical Qualification	A minimum speed of 30 w.p.m in English Or 25 w.p.m in Hindi typewriting.	



3. You have to arrange your own typewriter for typing test. You should come prepared for attending tests on your own arrangement for which you may have to stay at Recruitment Venue for 2 or 3 days.

4. You can also appear simultaneously for the post of Constable/GD by giving required option being supplied during recruitment. For the post of Constable/GD you have to qualify the following Physical eligibility standard:-

- | | |
|--|-------------------------------|
| (a) Height – in case of Son | 170 Cms |
| (i) 5 KM run to be completed within 24 Minutes | |
| (ii) 11 feet Long Jump | (03 chances to be given) |
| (iii) 3-1/2 feet High Jump | (03 chances to be given) |
| (b) Height – in case of Daughter | 157 Cms |
| (i) 1.6 KM run to be completed within 8.30 Minutes | |
| (ii) 09 feet Long Jump | (03 chances to be given) |
| (iii) 3 feet High Jump | (03 chances to be given) |
| (c) Height – in case of Widow | 157 Cms (PET Not applicable)” |

11. A perusal of the call-up letter No.E-42099/Comp.apptt/NLC/ADM-III/11/3768, dated 30.04.2011, Ex.P2, shows under Para No.4 (C) that the “Height - in case of Widow is 157 cms. (PET not applicable), for the post of Constable/GD”. Whereas under Para No.2 (a) of the same call-up letter the height criterion for women is mentioned as 153 cms. This certainly appears to be for HC/Clerk as the call-up letter was for the post of HC/Clerk in CISF. Para No.4 of the call-up letter provided for an opportunity to the petitioner to appear simultaneously for the post of Constable/GD, for which the height criterion under Para No.4 (c), in the case of widow, is mentioned as 157 cms.

12. In view of the aforesaid the Court prima facie finds force in the submission of the petitioner’s counsel that the height criterion for the post of Female HC/Clerk and Female Constable/GD is not the same.

13. However, nothing has been brought on record in the counter affidavit to make comparison, between the heights for both the posts. The impugned order also does not specifically mention the



height in cms, for both the respective posts. The same should have been clearly mentioned in the impugned order.

14. The relaxation in height criterion may or may not be granted but there must be consideration, keeping in view the nature of the duties to be performed of the particular post and the relevance/importance of the specified criterion for such post. Merely because earlier the petitioner's case for relaxation in height for the post of Constable/GD was rejected, it could not be that her case did not require consideration for relaxation for another post i.e. Clerk. The matter required consideration by the respondents in the correct perspective and by recording cogent reasons for grant or rejection of the relaxation as the case might be.

15. Reasons are the backbone of every decision. An authority in making an order must record reasons in support of the order it makes as the reasons are the link between the materials which are considered and the conclusions which are arrived at. Reasons must reveal a rational nexus between the two. It is also by now settled that even in administrative decisions affecting a person there is requirement of recording reasons.

16. In ***Kranti Associates Private Limited and another vs. Masood Ahmed Khan and others***¹, the Hon'ble Apex Court held that recording of reasons operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power. The reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations. The reasons have virtually become as indispensable a component of decision making process as observing principles of natural justice by judicial,

¹ (2019) 9 SCC 496



quasi-judicial or even by administrative bodies. The reasons facilitate the process of judicial review by superior courts. Insistence on reasons is a requirement for both judicial accountability and transparency. The reasons in support of the decisions must be cogent, clear and succinct.

17. It is apt to refer paragraph No.47 of **Kranti Associates (supra)**, as under:-

“47. Summarising 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 life blood 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}, at 562 para 29 and Anya vs. University of Oxford, {(2001) EWCA Civ 405 (CA)}, wherein the Court referred to [Article 6](#) of 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”.*

18. For the aforesaid reasons, the impugned order deserves to be quashed.

19. The writ petition is allowed. The impugned orders dated 22.08.2013 & 22/23.02.2012 (as mentioned in the order dated 22.08.2013) are hereby quashed, with direction to the respondents that they shall consider the petitioner’s case for appointment on compassionate ground for the post of HC/Clerk in CISF, afresh in accordance with law and pass a reasoned and speaking order, in the light of the observations made herein above.



20. Let the entire exercise as aforesaid be completed within a period of four (04) weeks from the date of production of copy of this judgment/order before the respondents.

21. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

Date: 04.07.2022
SCS

RAVI NATH TILHARI,J



THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

163

WRIT PETITION No.8511 of 2014

Date: 04.07.2022

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