



2026:AHC:165544

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 1333 of 2026

Mohammad Siddheeq And 12 Others

.....Petitioner(s)

Versus

Board Of Revenue Uttar Pradesh At Prayagraj And
12 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Shagun K. Saran
Counsel for Respondent(s)	: C.S.C., Devansh Misra, Harish Chandra Singh, Mohammad Alam, Raj Kumar Tripathi, Rajesh Khare, Vishakha Pande

Court No. - 51

HON'BLE ALOK MATHUR, J.

1. Head Sri Aryan Mishra, learned counsel for the petitioner as well learned Standing Counsel on behalf of State- respondent Nos. 1 to 3 and Sri Devansh Mishra, learned counsel appearing on behalf of respondent Nos. 7 to 13 and Sri Harish Chandra, learned counsel appearing on behalf of respondent Nos. 4 to 6.

2. It has been submitted by learned counsel for petitioner that the opposite parties had preferred a revision before the Board of Revenue being Revision No. REV/94/26/Chitrakoot wherein an interim order has been passed on 23.01.2026 which has been impugned in the present writ petition. It has been submitted by learned counsel for petitioner that the perusal of the impugned order would indicate that the Board of Revenue has not assigned any reasons indicating its application of mind while passing the impugned order and accordingly the same is illegal and arbitrary.

3. It is submitted that the said order was passed after considering the arguments of both the sides but no satisfaction with regard to any fact has been recorded by the Board of Revenue recalling the impugned order illegally and arbitrary and accordingly a prayer was made for setting aside the said order.

4. Learned counsel appearing on behalf of private respondents have

opposed the writ petition but do not dispute the aforesaid facts.

5. After hearing the rival contention of the parties as well as perused the impugned order. It is evident that the Board of Revenue by means of order dated 23.01.2026 has stayed the order impugned before it on 04.11.2025. It has only been recorded that a prima facie case for interference is made out and accordingly the impugned order has been stayed. It is noticed that no reasons or due consideration of any argument of either of the parties has been either recorded or considered by the Board of Revenue.

6. Needless to say whenever an interim order is passed by the superior authority then it is incumbent upon them to consider the rival contention of the parties and disclose the reasons and record its satisfaction before passing any interim order.

7. Undoubtedly, reasons are the heartbeat of any order, and bereft of reasons, such an order would be arbitrary and illegal. Whenever a reply is tendered against a show cause notice, even if it is found to be unsatisfactory, the competent authority has to record reasons for the rejection of such objections while giving cogent reasons. In case reasons are not given, then such an exercise itself becomes arbitrary inasmuch as it deprives the benefit to the superior authorities for adjudicating such an order passed by the competent authority nor does it disclose the reason for rejecting the defence of the delinquent employee which may enable the competent authority to act unreasonably and arbitrarily. We further find that the Supreme Court has also on numerous occasions held that reasons are required to be given while passing any order.

8. Hon'ble the Supreme Court in the case of **S.N. Mukherjee Vs. Union of India (1990) 4 SCC 594** has held as under:-

"36. Reasons, when recorded by an administrative authority in an order passed by it while exercising quasi-judicial functions, would no doubt facilitate the exercise of its jurisdiction by the appellate or supervisory authority. But the other considerations, referred to above, which have also weighed with this Court in holding that an administrative authority must record reasons for its decision, are of no less significance. These

considerations show that the recording of reasons by an administrative authority serves a salutary purpose, namely, it excludes chances of arbitrariness and ensures a degree of fairness in the process of decision-making. The said purpose would apply equally to all decisions and its application cannot be confined to decisions which are subject to appeal, revision or judicial review. In our opinion, therefore, the requirement that reasons be recorded should govern the decisions of an administrative authority exercising quasi-judicial functions irrespective of the fact whether the decision is subject to appeal, revision or judicial review. It may, however, be added 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. The need for recording of reasons is greater in a case where the order is passed at the original stage. The appellate or revisional authority, if it affirms such an order, need not give separate reasons if the appellate or revisional authority agrees with the reasons contained in the order under challenge."

9. For the aforesaid reasons, we find that no reason whatsoever has been indicated by the Superintendent of Police in rejecting the representation of the petitioner and accordingly the same is illegal and arbitrary and deserves to be set aside.

10. Once we have held that the order has been passed in gross violation of the principles of natural justice, the usual course is to remand the matter back for consideration afresh as has been prayed by learned Additional Chief Standing Counsel. We have given our anxious consideration to the submissions on behalf of the State and we find that the same ought to be rejected in the facts of the present case. We found that the allegations leveled in the show cause notice refer to a private dispute between the respondent and the complainant with regard to the respondent overstaying in the tenanted premises beyond the agreement entered into between them, and such a dispute was essentially a private dispute between the landlord and the tenant, and in such a dispute no interference of the employer is required. We find that the allegation against the respondent is

in no way connected to discharge of his official duties and is outside the ambit and scope of U.P. Government Servants Conduct Rules, 1956. The charge against the respondent do not contain any allegation of misuse of his official status in the alleged incident nor there is allegation that the conduct of the respondent can be termed as unbecoming of a government servant.

11. The Hon'ble Supreme Court in the case of **Tata Oil Mills Co. Ltd. Vs. Workmen, AIR 1965 SC 155** while interpreting the certified standing order regarding the term 'misconduct' has held the conduct of delinquent employee has to be judged on the touchstone that whether such conduct is purely private not related to discharge of his official duty and in such circumstances the employee cannot be subjected to disciplinary proceedings. The para 2 of the judgment in the case of **Tata Oil Mills Co. Ltd. (Supra)** is reproduced hereinbelow:-

"2. The first point which calls for our decision in this appeal is whether the Tribunal was right in holding that the facts proved against Raghavan did not attract the provisions of Standing Order 22(viii) of the Certified Standing Orders of the appellant. The said standing order provides that without prejudice to the general meaning of the term "misconduct", it shall be deemed to mean and include, inter alia, drunkenness, fighting, riotous or disorderly or indecent behaviour within or without the factory. It is common ground that the alleged assault took place outside the factory, and, in fact, at a considerable distance from it. The Tribunal has held that the assault in question can be treated as a purely private matter between Raghavan and Augustine with which the appellant was not concerned and as a result of which standing order 22(viii) cannot be invoked against Raghavan. Mr. Menon who has appeared for the respondent before us, has contended that in construing standing orders of this character, we must take care to see that disputes of a purely private or individual type are not brought within their scope. He argues that on many occasions, individual employees may have to deal with private disputes and sometimes, as a result -of these private disputes, assault may be committed. Such an assault may attract the relevant provisions of the [Indian Penal Code](#), but it does not fall under standing order 22(viii). In our opinion, this contention is well-founded. It would, we think, be

unreasonable to include within standing order 22(viii) any riotous behaviour without the factory which was the result of purely private and individual dispute and in course of which tempers of both the contestants became hot. In order that standing order 22(viii) may be attracted, the appellant should be able to show that the disorderly or riotous behaviour had some rational connection with the employment of the assailant and the victim. "

12. The coordinate Bench of this Court in the case of **Pravina Solanki Vs. State of U.P. & others, 2001 All LJ 1706** held in para 5 as hereunder:-

"5. There are no allegations against the petitioner that her conduct in any way affected her official functions. There is also no allegation that she was on duty at the relevant time. In our opinion, unless an employee does some act which interferes with his/her official function then ordinarily whatever he/she does in his/her private life cannot be regarded as misconduct. In the case of In re Rabindra Nath Ghosh, 1985 (1) SLR 598, this was the view taken by the Calcutta High Court and this was also the view taken by a Division Bench of this Court in State of U. P. v. B. N. Singh, AIR 1989 All 359. The position may have been different if the petitioner was doing the aforesaid acts while on duty, but in the present case, she was at her residence late in the night, and there is no allegation that she was on duty at that time. As held by this Court in the case of state of U. P. v. B. N. Singh (supra), in order to bring a case of a Government servant within the definition of personal immorality on the ground of habit of sex. it must be shown that this habit of the Government servant has reduced his utility as a public servant so as to damage the government or official generally in public esteem, in Sukhdeu Singh v. State of Punjab, 1983 (2)SLR 645, the Punjab High Court held that a constable under influence of alcohol while not on duty cannot be held to be guilty of misconduct. In the present case, the petitioner was not having sex in a public place but at her residence. Hence it cannot be said that she has committed any misconduct for which she can be depart men tally proceeded against. "

13. Accordingly, this Court does not find that the impugned order suffers

from bias of none disclosure of reasons and consequently the same is illegal and arbitrary and accordingly set aside. The writ petition is **allowed**. The matter is remanded to the Board of Revenue for deciding the application for interim relief afresh.

14. Let the said application be decided expeditiously, say, within a period of six weeks from the date a certified copy of this order is produced before Board of Revenue.

15. Both the parties undertake to cooperate in the proceedings before the Board of Revenue at the stage of consideration of the application for interim relief.

(Alok Mathur,J.)

August 7, 2026

Ravi/-