



2026:AHC:153815-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 20758 of 2026

Alok Dhangar and another

.....Petitioner(s)

Versus

State of U.P. and 2 others

.....Respondent(s)

Counsel for Petitioner(s)	: Vivek Kumar Pal
Counsel for Respondent(s)	: C.S.C.

AFR

Court No. - 1

HON'BLE AJIT KUMAR, J.
HON'BLE SIDDHARTH NANDAN, J.

(Per: SIDDHARTH NANDAN, J.)

1. Heard Shri Vivek Kumar Pal, learned counsel for the petitioners and Shri P.K. Shahi, learned Additional Chief Standing Counsel for the State-respondents.

2. By means of this petition filed under Article 226 of the Constitution, the petitioners have assailed the rejection order dated 23.02.2026, passed by the Tahsildar, rejecting the application of the petitioners for issuance of a caste certificate.

3. By the consent of the parties, the petition is being decided at admission stage itself, since purely a legal question is involved and there

to belong to the Scheduled Caste category 'Dhangar'. The petitioners had moved an application for issuance of a caste certificate before the respondent no.3 under Rule 3, 4 and 10 of the Janhit Guarantee Adhiniyam, 2011; which includes the issuance of a caste certificate, income certificate and domicile certificate, as a part of its guaranteed public services, to the people of the State of U.P., within stipulated time limit; and along with the application they had submitted all the relevant documents including the Aadhaar card, family register, letter of the village Pradhan, school leaving certificate etc.

5. The petitioners also claim the benefit of the G.O. dated 24.01.2019, which has been issued by way of a clarification for the issuance of caste certificate to individuals who belongs to Scheduled Caste category 'Dhangar'.

Arguments of the Petitioners

6. The learned counsel for the petitioner, in the aforesaid background submits that without assigning any reasons or making available any report, based on which the application of the petitioners is sought to be rejected; by merely making available a rejection letter on the official website, which only states 'साक्ष्य अभाव'; the impugned order has been passed; and as such the same cannot be sustained in the eyes of law. It has further been submitted on behalf of the petitioners that no rejection order has been communicated to the petitioners and accordingly, there is no reasoned detailed order of rejection, in the eyes of law.

Contention of the Respondents

7. The learned Additional Chief Standing Counsel submits that in the impugned order, though no specific reason has been given; but from perusal of rejection letter dated 23.02.2026, it is evident that the

Additional Commissioner Tribal Development¹ (decided on 02.09.1994) and the G.O. dated 28.02.2011.

8. He has further contended that though there is no requirement for making available reasons for the rejection but however the decision is based on a report, which is sought by the revenue department prior to taking decision on the application for issuance of a caste certificate.

Issues

(i) Whether, the Authorities are liable to give an opportunity to an individual, who has applied for issuance of caste certificate prior to taking any decision; and even when an administrative authority takes a decision affecting rights of parties, is it obligatory to give reasons in support of their decision?

(ii) Whether, in absence of any detailed 'speaking order', rejecting the application for issuance of caste certificate, the decision regarding the same being displayed on the official website of the Department, can be sustained in law?

Discussion- Issue No.1

9. The undisputed facts of the present case are that the petitioners had made an application for issuance of a caste certificate, claiming benefit of the G.O. dated 24.01.2019 and had provided the documents which according to the petitioners were relevant and establishes their claim pertaining to them belonging to caste 'Dhangar', being residents of State of Uttar Pradesh.

10. It has not been disputed by the respondents that except for the reasons 'साक्ष्य अभाव' i.e. for lack of evidence, no other order has been made available to the petitioners nor the inspection report, which the

and can be said to be prejudicial to their interest and State authorities are required also to adhere to the principles of natural justice?

12. It is no longer *res integra* that in absence of any reasoning, an order cannot be sustained. The Apex Court in the case of **CCT Vs Shukla and Brothers²** made an observation that the litigant has a legitimate expectation of knowing reasons for rejection of his/her claim. The relevant paragraphs are reproduced herein below: –

“4. 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 Vs. Shukla & Bros. The relevant paragraphs of the judgment are extracted hereinbelow: (SCC pp. 800-801, paras 23-27)

"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, reasoned judgment where the law and factual matrix of the case is discussed, provides lucidity and foundation for conclusions of 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.

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 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. 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

considered by the appellate/higher court. Absence of reasons thus would lead to frustrate the very object stated hereinabove.

13. The aforesaid ratio has also been noted with approval recently in the case of **State Project Director U.P. Education for All Project Board and Others Vs Saroj Maurya and Others**³.

14. The requirement for giving reasons by way of a 'speaking order' was subject matter of consideration on many occasions before this court as well as the Apex Court.

15. The expression 'speaking order' was first coined by Lord Chancellor, Earl Cairns; and while explaining the ambit of writ of *certiorari*, referred to orders with errors on the face of the record and pointed out that in order with errors on its face, is a 'speaking order'. The Courts had held that the face of an order passed by a quasi-judicial Authority and even an administrative authority affecting the rights of parties, must be a 'speaking order'.

16. In the case of **Mahabir Prasad, Santosh Kumar Vs. State of UP and Others**⁴, the Apex Court also held that merely giving an opportunity of hearing is not enough, as whenever an order is liable to be subjected to appeal before higher forum, the necessity to record reason is even greater, as it ensures that the decision is not a result of caprice, whim or fancy but was arrived at after considering the relevant law and that the decision was just.

17. In the case of **Travancore Rayon Ltd. Vs Union of India**⁵, the Apex Court also while examining the exercise of judicial powers of the State, held that the requirement for giving reasons are of paramount importance for two reasons:-

i. The person aggrieved gets an opportunity to demonstrate that the

ii. The obligation to record reasons operate as a deterrent against possible arbitrary action by the Executive Authority invested with the judicial powers.

18. If we look at the aforesaid proposition from another angle, as to whether it being a judicial or the administrative Authority, both at different stages are Authorities, to which a citizen approaches for the redressal of his/her grievance or for the working of the mechanism, which may be required for furtherance of their interest or to seek enforcement of their rights as envisaged under various statutes and the Constitution of India, it becomes more imperative from the said point of view that the reasons must always be subscribed to demonstrate the fairness in the process and to show that there was no arbitrariness in arriving at a decision.

19. It is a cardinal principal of Rule of Law that justice should not only be done but it should always appear to be done as well. (Ref: **Woolcombers of India Ltd. Vs Workers Union**⁶)

20. In the case of **Union of India Vs. Mohan Lal Capoor**⁷, it was held that the reasons should not reflect that they are mere ‘rubber-stamp reason’, but it must disclose the application of mind on the subject matter, prior to the decision making and the fact whether the decision is purely administrative or quasi-judicial, is immaterial. There should clearly be a link between the material which was considered and the conclusion which was reached; for the ‘*reasons are the link between the material on which certain conclusions are based and the actual conclusions*’. (Ref: **Gurdial Singh Fijji Vs. State of Punjab**⁸)

21. The Constitution Bench in the case of **H. H. Shri Swamiji of Shri Amar Mutt Vs. Commissioner Hindu Religious and Charitable**

22. The State cannot seek exemption from the aforesaid requirement of giving reasons in the administrative orders also. In **Raj Kishore Jha Vs. State of Bihar and Others**¹⁰, it was held that the *reasons are the heartbeat of every conclusion and without the same, it becomes lifeless*.

23. The Supreme Court in the case of **State of Orissa Vs. Dhaniram Luhar**¹¹ held as follows: –

"8. Even in respect of administrative orders Lord Denning, M.R. In Breen v. Amalgamated Engg. Union, (1971)2 QB 175, observed:(QB p.191 C) "The giving of reasons is one of the fundamentals of good administration." In Alexander Machinery (Dudley) Ltd. v. Crabtree it was observed: "Failure to give reasons amounts to denial of justice." "Reasons are live links between the mind of the decision-taker to the controversy in question and the decision or conclusion arrived at." Reasons substitute subjectivity by objectivity. The emphasis on recording reasons is that if the decision reveals the "inscrutable face of the sphinx", it can, by its silence, render it virtually impossible for the Courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. Right to reason is an indispensable part of a sound judicial system; reasons at least sufficient to indicate an application of mind to the matter before Court. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made; in other words, a speaking-out. The "inscrutable face of the sphinx" is ordinarily incongruous with a judicial or quasi-judicial performance."

24. We may further not dwell into the said question, as on the aforesaid issue, the Supreme Court in the case of **Kranti Associates Private Limited and Another Vs. Masood Ahmed Khan & Ors**¹². has summarized legal position in paragraph 47 as follows: –

(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 lifeblood 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.

errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor).

(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, EHRR, at 562 para 29 and Anya v. University of Oxford, wherein the Court referred to Article 6 of the European Convention of Human Rights which requires, "adequate and intelligent reasons must be given for judicial decisions".

(0) 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".

25. However, we must hasten to clarify that Government does not have a *carte blanche* to take any decision it chooses; it cannot take a capricious, arbitrary or prejudiced decision. Its decision must be informed and impregnated with reasons, which has already been discussed threadbare in several decisions of the Apex Court, including in *Sterling Computers Ltd. v. M & N Publications Ltd.*¹³, *Tata Cellular v. Union of India*¹⁴, *Air India Ltd. v. Cochin International Airport Ltd*¹⁵, *B.S.N. Joshi & Sons Ltd. v. Nair Coal Services Ltd.*¹⁶ and *Jagdish Mandal v. State of Orissa*¹⁷.

26. In the case of **State of Punjab Vs. Banddeep Singh and Others**¹⁸, while considering the celebrated decision in the case of **Mohinder Singh Gill Vs. Chief Election Commissioner**¹⁹, the Apex Court held that every decision of an administrative or executive nature must be a composite and self-sustaining one, in that it should contain all the reasons which prevailed on the official, taking the decision to arrive at his conclusion. It is beyond cavil that any authority cannot be permitted to travel beyond the stand adopted and expressed by it in the impugned action.

27. In view of the aforesaid, we have no hesitation in holding that the display of the rejection letter on the official website of the Government, cannot be said to be a "speaking order" and as such the only so called 'reason' which is reflected from the rejection order dated 23.02.2026 i.e. 'साक्ष्य अभाव' is as vague as it can be; and as such does not meet the test for 'speaking order', which is a prerequisite, even in case of an administrative order or a quasi-judicial order. The aforesaid order also fails on the principles of legitimate expectation, by applicant who is required to be given reasons for his rejection, to not only enable him to move an appeal to higher forum but also to indicate that the order has been passed with complete fairness and without any arbitrariness. It is writ large that no opportunity was also given to the petitioners by way of a personal hearing or the documents in the form of an alleged report was also not provided to them, so that they could have either removed the deficiencies or filed an objection.

Discussion- Issue No.2

28. It is an admitted fact that apart from the display of the rejection letter on the official website of the Government, no other order or report was made available to the petitioners; and as per the contention of the learned Learned Additional Chief Standing Counsel, there is no other requirement for communicating a separate reasoned order for rejection of the application for the issuance of caste certificate. However, he submits that prior to rejection or acceptance of the application for the issuance of caste certificate, an internal report is sought; but however, neither the said report is in the public domain or made available to the applicant and as such the issue whether the rejection order can be construed as a decision in absence of the same being communicated to the person concerned is now being considered

contained in the file but not being communicated to the person concerned, it is again not *res integra* that such noting or expression of opinion on the subject cannot be considered as an executable right, affecting the rights of the parties. In the case of **Sethi Auto Service Station Vs. Delhi Development Authority and Others**²⁰, the Apex Court held that the order only when communicated to the concerned person, becomes a final order and prior to the same, it is only an expression of opinion of the concerned official, on the subject.

30. In the case of **Bachhittar Singh Vs. State of Punjab**²¹, it was held that opinion becomes a decision of the Government only, when it is communicated to the persons concerned; and a right created under an order of a statutory Authority must be communicated to the person concerned, so as to confer an enforceable right. (*Ref: Lakshminarayan R Bhattad Vs. State of Maharashtra*²²)

31. In the case of **Greater Mohali Area Development Authority Vs. Manju Jain**²³, it was held that an order does not become effective unless it is communicated to a person concerned. For ready reference paragraph No. 22 to 24 of the said judgment is produced below.

"22. The Constitution Benches of this Court in Bachhittar Singh v. State of Punjab [AIR 1963 SC 395] and State of Punjab v. Amar Singh Harika [AIR 1966 SC 1313], have held that an order does not become effective unless it is published and communicated to the person concerned. Before the communication, the order cannot be regarded as anything more than provisional in character. A similar view has been reiterated in Union of India v. Dinanath Shantaram Karekar [(1998) 7 SCC 569; 1998 SCC (L&S) 1837; AIR 1998 SC 2722] and State of W.B. v. M.R. Mondal [(2001) 8 SCC 443].

23. In Laxminarayan R. Bhattad v. State of Maharashtra [(2003) 5 SCC 413], this Court held that the order of the authority must be

24. Thus, in view of the above, it can be held that if an order is passed but not communicated to the party concerned, it does not create any legal right which can be enforced through the court of law, as it does not become effective till it is communicated."

Conclusion- Issue No.2

32. In view of the settled law that an order not communicated is the dead letter and the same cannot become effective unless it is communicated to the person concerned, we find that the impugned rejection order dated 23.02.2026, which only states that the application of the petitioners are being rejected, for the issuance of caste certificates, on the ground that there was insufficiency of the evidence without specifying the deficit evidence; cannot be sustained and is liable to be set aside, and accordingly, the rejection letter/order dated 23.02.2026 is hereby **set aside**.

33. This Court also finds that the roster is flooded with similar writ petitions on daily basis, and no reasons of whatsoever nature is reflected from the rejection letters/orders, which are only made available on the official website of the Department; and apart from the same, neither any 'speaking order' or any report is made available to the petitioners; and as such the petitioners are handicapped while filing an appeal, as they are neither having reasons for the rejection nor been given the grounds, based on which they could prefer the appeal; and as such the remedy of filing an appeal cannot be said to be an efficacious remedy in the given facts and circumstances.

34. In view of the aforesaid, we deem it appropriate to issue following directions to the State Authorities, to also curb the nature of litigation and to maintain fairness and unarbitrariness in the decision making process:-

be submitted only after giving due opportunity to such an applicant, and strictly adhering to the principles of natural justice.

(II) The applicant must be given a reasonable opportunity to file his objection to the aforesaid report and be also permitted to remove the deficiency pointed out, if any, in the aforementioned report.

(III) It shall be incumbent upon the Authority to pass a 'speaking order' either accepting or rejecting the said application; and a copy of the said order shall be made available to the applicant within a period of seven days of passing of such an order.

(IV) The Authorities may consider, to give a link on the official website, of the 'rejection order' and the 'report' forming the basis of the rejection and upon being accessed one may be displayed with detailed reason and report to be downloaded.

(V) The aforesaid exercise shall be required to be completed within a period of two months from the date of filing of application.

35. The Chief Secretary, Government of UP is directed to circulate a copy of this order to all the Authorities in the Districts of Uttar Pradesh, including at the Tehsil level; and may also consider framing of an SOP, in the light of the observations and directions given by this court, within a period of three months from today.

36. The Registrar (Compliance) is directed to communicate the order for compliance, to the Chief Secretary, Government of UP, forthwith.

37. The writ petition stands ***allowed***.