

**IN THE GAUHATI HIGH COURT**  
**(THE HIGH COURT OF ASSAM; NAGALAND; MIZORAM AND ARUNACHAL PRADESH)**

**ITANAGAR PERMANENT BENCH(NAHARLAGUN)**

**WP(c)671(AP)2017**

1. Smti Phassang Chayum (Kipa)  
Officiating Agriculture Field Assistant (Jr).  
residence of Pachin Colony, Naharlagun  
Papumpare District, Arunachal Pradesh.  
Ph. No. 8731042680
2. Shri. Kipa Chungkap, Officiating Agriculture Field  
Assistant (Jr). residence of Pachin Colony,  
Naharlagun Papumpare District, Arunachal  
Pradesh.
3. Shri. Kipa Mabu, Officiating Agriculture Field  
Assistant (Jr). residence of Pachin Colony,  
Naharlagun Papumpare District, Arunachal  
Pradesh.
4. Shri. Kipa Kayuf, Officiating Agriculture Field  
Assistant (Jr). residence of Pachin Colony,  
Naharlagun Papumpare District, Arunachal  
Pradesh.
5. Miss. Nyri Yangfo, Officiating Agriculture Field  
Assistant (Jr). residence of Pachin Colony,  
Naharlagun Papumpare District, Arunachal  
Pradesh.
6. Miss. Tage Rinya, Officiating Agriculture Field  
Assistant (Jr). Residence of Pachin Colony,  
Naharlagun Papumpare District, Arunachal  
Pradesh.
7. Miss. Pema Eton, Officiating Agriculture Field  
Assistant (Jr). residence of Pachin Colony,  
Naharlagun Papumpare District, Arunachal  
Pradesh.
8. Miss. Chhado Derma, Officiating Agriculture Field  
Assistant (Jr). residence of Pachin Colony,  
Naharlagun Papumpare District, Arunachal  
Pradesh.
9. Miss. Nilima Mongriju, Officiating Agriculture  
Field Assistant (Jr). residence of Pachin Colony,  
Naharlagun Papumpare District, Arunachal  
Pradesh.

10. Shri Dinesh Tajo, Officiating Agriculture Field Assistant (Jr). residence of Pachin Colony, Naharlagun Papumpare District, Arunachal Pradesh.
11. Shri Ram Bagang, Officiating Agriculture Field Assistant (Jr.) residence of Pachin Colony, Naharlagun Papumpare District, Arunachal Pradesh.

.....*petitioners*

*-/s-*

1. The Secretary, Department of Agriculture, Government of Arunachal Pradesh, Itanagar, Arunachal Pradesh.
2. The Director of Agriculture, Government of Arunachal Pradesh, Nagarlagun, Papumpare District, Arunachal Pradesh.
3. Shri Hage Kano, son of late Hage Dolly, aged about 58, residence of Hari village, P.O. & P.S. Ziro, Lower Subansiri District, Arunachal Pradesh.

.....*respondents*

By Advocates:

For the petitioners: Mr. Jakir Hussain

For the respondents: Mr. Lissing Perme, SC(Agriculture)  
Ms. Deepa Yoka, respondent No. 3

**:::BEFORE:::**

**HON'BLE MR. JUSTICE AJIT BORTHAKUR**

Date of hearing : 01.03.2018

Date of Judgment : 02.05.2018

### **JUDGMENT & ORDER(CAV)**

Heard Mr. Jakir Hussain, learned counsel for the petitioners. Also heard Mr. Lissing Perme, learned standing counsel, Agriculture Department, for respondents No. 1 & 2; and Ms. Deepa Yoka, learned counsel, appearing on behalf of private respondent No. 3.

2. The petitioners, herein, were appointed as Agriculture Field Assistant (Jr.) [for short, 'AFA(Jr.)'] on officiating basis under the Department of Agriculture, Government of Arunachal Pradesh vide Orders, dated 25.07.2017, by the Director of Agriculture, Government of Arunachal Pradesh. Accordingly, the petitioners joined on 26.07.2017. In the meantime, the Secretary (Agriculture), Government of Arunachal Pradesh, issued order, dated 04.09.2017, cancelling the entire appointment orders of the writ petitioners on the ground that the appointments so made, were without maintaining any transparency and observing the official formalities as per the provisions of the Recruitment Rules with immediate effect until further order. The grievance of the petitioners is that the original copy was also not communicated to the petitioners by the Department and their appointments were cancelled without giving any Notice, any reasonable opportunity of hearing and without initiating any departmental proceeding.

3. Mr. Hussain, learned counsel, submitted that Article 311(2) of the Constitution of India covers the officiating appointment of the petitioners. Article 311(2) reads as under:

***"No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charge".***

4. Mr. Hussain, learned counsel, therefore, submitted that there is a clear violation of principles of natural justice, as such, the impugned order, dated 04.09.2017, issued by the respondent No. 1 viz. Secretary, Department of Agriculture, Government of Arunachal Pradesh, may be set aside and quashed.

5. Per contra, the State Respondents, by filing their affidavits-in-opposition, have contended that the Department concerned have no such

records of the appointment orders of AFA(Jr.) and no file was put-up and processed for those appointments. Hence, the Department straightaway declared that these appointment orders were fake appointment orders.

**6.** The State Respondents have further contended that in absence of any sanctioned posts; the appointment orders, in question, were fake and contrary to the Standing Order, dated 31.10.2016, issued under Memo. No. Agri/Estt-33/85/2016 by the Secretary, Agriculture, Government of Arunachal Pradesh, because after 31.10.2016, as the Director, Agriculture Department, is not the competent authority to issue any appointment order. The order, dated 31.10.2016, issued by the respondent No. 1/the Secretary, Agriculture, Government of Arunachal Pradesh, stipulates that all establishment matters (gazetted/non-gazetted) were delegated to the Joint Director, Agriculture Department, whereas the impugned appointment orders are dated 25.07.2017 which was issued under the signature of the then Director, Agriculture Department, which is in contravention of the standing order, above-noted.

**7.** It is the contention of the State Respondents that though the petitioners tried their best to join their duty based on those fake appointment orders, but not a single day service of the petitioners was availed by the Department. The fake appointment orders were detected during the submission of their joining reports to the respective offices in the districts. It is also contended that in those appointment orders, the pay band that was indicated, was defective which compelled the district authorities of the Department, to communicate the same to the respondents. Accordingly, the authority got knowledge about the existence of such fake appointment orders.

**8.** It is the further case of the State Respondents that the fake appointment orders of the petitioners will not give any right, legal, or otherwise, to the petitioners. When the very foundation of the case of the petitioners are

based on falsehood, fraud and fake appointment orders, there is no question of any legal remedy like giving notice and affording opportunity of hearing. However, it has been fairly stated by the State Respondents that the petitioners may put forward the merits of their respective case before the respondent authorities, for consideration.

**9.** It has also been averred in the said affidavit-in-opposition that the Department through OSD to the Minister(Agriculture), Government of Arunachal Pradesh, had lodged an FIR and a complaint regarding matter of fake appointment orders.

**10.** Mr. Perme, learned standing counsel, Agriculture Department, Arunachal Pradesh, therefore, prayed that instant writ petition may be dismissed summarily.

**11.** By filing his affidavit-in-opposition, the respondent No. 3 i.e. the then Director of Agriculture has submitted that the appointment orders of the writ petitioners to the post of AFA(Jr.) for the period of 1 (one) year vide order, dated 25.07.2017, are correct and the orders were duly signed by him and further, that all the files relating to the appointment of the writ petitioners are available in the office and are, therefore, genuine.

**12.** It is contended by the respondent No. 3 that none of the appointment orders is fake as has been stated in the affidavit-in-opposition filed by the State Respondents and in fact, appointments were made in accordance with the Recruitment Rules vide Notification, dated 08.02.1988. There is no provision in the said Recruitment Rules for conducting the interview for appointment to the post of AFA(Jr.) and the Director having the full power to make such appointment, the writ petitioners were accordingly appointed by him during his tenure as the Director of Agriculture, Government of Arunachal Pradesh.

**13.** According to the respondent No. 3, the then Director(Agriculture); as per Clause-J(3) of the *State of Arunachal Pradesh Adaption of Laws*, issued by the Law & Judicial Department under the State Government, 1990; for making appointment of Group-C and D services & posts, the appointment authority is the Head of the Department/Office concerned(not below Group-A). In such a situation, the respondent No. 3, the then Director being the Head of the Office and having the power to appoint in Group-C and D, legally and validly appointed the writ petitioners.

**14.** By filing the affidavit-in-reply to the affidavit-in-opposition filed by the State Respondents No. 1 & 2, Mr. Hussain, learned counsel for the petitioners, submitted that the appointment orders were not fake but genuine since they were duly signed by the then Director(Agriculture) i.e. Respondent No. 3 during his service tenure. As per the relevant Recruitment Rules, the post of AFA(Jr.) which was earlier called as VLW(Jr.), the Director is the competent authority to appoint any person directly to the post of AFA(Jr.) and as per the Recruitment Rules, there is no provision for calling any written test and viva-voce for the said post. The Director has the power to appoint any eligible person, directly to the post of AFA(Jr.). If the records relating to the appointment of the petitioners, are not available in the Office then the burden goes upon the authority itself.

**15.** Mr. Hussain, learned counsel, further submitted that there are 520 posts of AFA(Jr.) in the Department and only, 300 posts have been filled-up as on 20.03.2017. It is also alleged by the petitioners that the present Joint Director, Department of Agriculture, has appointed 8 nos. of AFA(Jr.) by adopting similar procedure and from the order, dated 20.03.2017, it is apparent that still 220 posts of AFA(Jr.) are lying vacant in the Agriculture Department.

**16.** Mr. Hussain, further contended that as per clause J(3) of the relevant Order of *The State of Arunachal Pradesh Adaption of Laws*, the Director being the Head of the Office, have the power to appoint all Group-C and D posts and therefore, issuance of the impugned office order, dated 31.10.2016, is not sustainable in the eye of law since there is a law adapted by the State and the same cannot be superseded by the office order dated 31.10.2016.

**17.** According to Mr. J. Hussain, learned counsel for the petitioners, the meaning of the word *fake* is as follows:

The FAKE word origin from London Criminal slang as objective(1775)" a likely source is feague to spruce up by artificial means. As per the *Cambridge* English Dictionary, is "as object that is made to look real or valuable in order of deceiving people". As per the *English Oxford* Dictionary, the meaning of Fake is "not genuine; imitation or counterfeit"

**18.** Mr. Hussain, learned counsel, therefore, categorically submitted that the Fake word is not covered in the instant case since the appointment orders of the petitioners were duly signed by the then Director, Shri Hage Kano. The petitioners should have been given an opportunity of hearing since it was a tenure based appointment and their appointment was made by the competent person of the Department and accordingly, the petitioners should not have been ousted from the service before completion of their tenure as the appointment orders are genuine under the law.

**19.** I have heard the rival submissions of the parties at length and have also gone through the relevant materials appended to this petition.

**20.** In the instant writ proceeding, the whole dispute arises out of non-observance of the principles of natural justice before cancellation of appointments of the petitioners, on officiating basis, for a period of one year to the post of AFA(Jr.) in the department of Agriculture, Govt. of Arunachal Pradesh. The petitioners' basic contention is that they were appointed by the Director of Agriculture, Govt. of Arunachal Pradesh, who is the competent authority to so appoint vide Order No. Agri/Est-05/2014-15, dated 25.07.2017 and therefore, after they joined in the posts, cancellation of their appointment orders vide Order No. Agri/E-20/2017, dated 04.09.2017, which is impugned herein, on the ground that the appointments were made without maintaining transparency and observing any formalities as per the provisions of the Recruitment Rules, was illegal, for want of notice and opportunity of hearing and further, without initiating any departmental proceeding. The respondent authorities pleaded that when appointments were made without following the Recruitment Rules, without maintaining any record in the department and not even by any competent authority, such appointments are not binding on the State and as such, the appointees have no right to be heard before cancellation of such appointments.

**21.** Before reflecting on the facts in issue, it is apposite to look at the common text of the appointment orders, which is herein below extracted:

***"Government of Arunachal Pradesh  
Office of the Directorate of Agriculture  
Naharlagun***

**ORDER**

***No.AGRI/Estt-16/2015-16 Dated Naharlagun, the 25<sup>th</sup> July' 2017***

***Smt. Phassang Chayum(Kipa) is hereby appointed to the post of Agriculture Field Assistant (Jr.) under the Department of Agriculture, Arunachal Pradesh on officiating basis for a period of 1 (one) year with effect from the date of joining in the pay band of Rs. 5,200-20,200 + GP 2,400/- p.m. plus other allowance and concessions as admissible under rule and posted under the Deputy***

**Director Agriculture (Training), Farmer Training Centre Ziro, Lower Subansiri District, Arunachal Pradesh.**

**The appointee shall submit a fresh medical Certificate of his/her fitness obtained from a medical officer not below the rank of D.M.O/ Civil Surgeon at the time of joining.**

**The appointee shall submit a fresh Medical Certificate of his/her fitness obtained from a medical officer not below the rank of D.M.O/ Civil Surgeon at the time of joining.**

**The appointee shall undergo 2 (two) years of basic agriculture course at GTC, Pasighat as and when nominated by the Govt.**

**Other conditions of services, which have not been specified herein, shall be governed by relevant rules and order in force from time to time.**

**Sd/- Hage Kano  
Director of Agriculture  
Govt. of Arunachal Pradesh  
Naharlagun.**

**Memo No. No. AGRI/Estt-16/2015-16 Dated Naharlagun, the 25<sup>th</sup> July' 2017"**

22. Thereafter, the respondent No. 1/Secretary, Department of Agriculture, Govt. of Arunachal Pradesh, vide impugned Order No. AGRI/E-20/2017, dated 04.09.2017, cancelled all the appointment orders, issued after 31.10.2016, by Shri Hage Kano, Director of Agriculture(Retired). The said order reads as herein below extracted:

**"Government of Arunachal Pradesh  
Department of Agriculture  
Naharlagun**

**ORDER**

**NO.AGRI/E-20/2017 Dated Naharlagun the 4<sup>th</sup> September'2017.**

**It has been brought to the notice of the undersigned that recently some appointments were made without maintaining transparency and observing any formalities as per provision in the recruitment rule. The appointment under the signature of Shri. Hage Kano, Director Agriculture (Retired) is in total violation of recruitment Rules.**

**As per Govt. order NO.AGRI/ESTT/33/85 dated 31<sup>st</sup> October 2016 Shri. A. Lego, Joint Director Agriculture was to look after the establishment matters of Gazetted and Non-Gazetted employees and report to Secretary (Agriculture) directly.**

***Hence, any appointment order issued after 31<sup>st</sup> October 2016, signed by Shri Hage Kano, Director of Agriculture (Retired) stands cancelled with immediate effect until further order.***

***Sd/-  
Secretary  
(Agriculture)  
Govt. of Arunachal Pradesh  
Naharlagun***

***Memo No. AGRI/E-20/2017 Dated, Naharlagun the 5<sup>th</sup>  
September'2017"***

**23.** It is pertinent to be mentioned that the respondent No. 3, namely, Shri Hage Kano, Director of Agriculture, Govt. of Arunachal Pradesh, (since retired), who issued the appointment orders to the petitioners defended his action basically on 3(three) grounds, which are, firstly, there is no provision in the recruitment Rules vide Notification No. AGRI/E-58/82(Pt-1), dated 08.02.1988 providing any mode of recruitment procedure to the post of AFA(Jr.); secondly, as per clause J(3) of the State of Arunachal Pradesh Adaption of Laws and Orders, 1990, issued by the Govt. of Arunachal Pradesh, the appointment of Group-C and D service and post, the appointing authority is the Head of the Department concerned and thirdly, all the relevant files relating to the appointment of the petitioners are available in the office.

**24.** The Junior Village Level Workers Recruitment Rules, 1987(for short 'VLW(Jr.) Rules') govern the method of recruitment to the post of VLWs, subsequently, re-designated as AFA by notification. In column 10 of the Rules provides the method of recruitment as (a) by promotion 10% and (b) by direct recruitment 90%, out of which 80% posts to be reserved for Arunachalee candidates. The VLW (Jr) Rules do not prescribe the mode of recruitment to the AFA. On the other hand, schedule to the State of Arunachal Pradesh Adaption of Laws Orders provides that in respect of appointment of all Group 'C' & 'D' services posts, the Head of the Department/Office concerned(not below 'Group 'A'), that is, in the department of Agriculture, the Director. However, by an Officer order, vide No. Agri/Estt.33/85/2016, dated 31.10.2016, issued by the Secretary(Agriculture), Govt. of Arunachal Pradesh, that is, at the time of

issuance of the appointment orders, dated 25.07.2017, the Joint Director (Agriculture), was delegated, inter alia, powers in respect of all establishment matters in exigencies of public service and to report to Secretary(Agriculture) directly, as is herein below extracted:

**"Govt. of Arunachal Pradesh  
Office of the Secretary (Agriculture, Etc)  
AP Civil Secretariat, Itanagar.**

**NO:Agri/Estt-33/85/2016**

**Dated:31.10.2016**

**OFFICE ORDER**

***In the interest of the public service Mr. Anong Lego, Joint Director (Agriculture) is delegated the following subjects of the department and he will report directly to the undersigned with immediate effect.***

- 1). All CSS Schemes***
- 2). All State Sponsored Schemes***
- 3). All Establishment matters (Gazetted/Non-Gazetted)***
- 4). K.V.K.***

***The subjects which are not mentioned above shall remain with the Director (Agriculture) till further order.***

***Sd/-  
(Talem Tapok) IAS  
Secretary(Agriculture)***

***Memo No: Secy/Agri-/2016***

***Dated: 31:10:2016"***

**25.** The writ petitioners have not challenged the above order, dated 31.10.2016. The petitioners have not even pleaded that the respondent authorities issued any advertisement inviting applications from eligible candidates to fill up the said posts. There is no indication in the appointment orders, purportedly issued under common office memo. No., showing any government approval for such appointments or that the petitioners were so recruited against sanctioned vacancy, observing any recognized procedure.

**26.** In paragraph No. 5 of the judgment delivered by the Supreme Court in ***Secretary, State of Karnataka & Ors. V. Umadevi & Ors.***, reported in ***(2009)5 SCC 65***, it has been observed:

**"5. The power of a State as an employer is more limited than that of a private employer inasmuch as it is subjected to constitutional limitations and cannot be exercised arbitrarily. Article 309 of the Constitution gives the Government the power to frame rules for the purpose of laying down the conditions of service and recruitment of persons to be appointed to public service and posts in connection with the affairs of the Union or any of the States. That Article contemplates the drawing up of a procedure and rules to regulate the recruitment and regulate the service conditions of appointees appointed to public posts. It is well acknowledged that because of this, the entire process of recruitment for services is controlled by detailed procedure which specify the necessary qualifications, the mode of appointment etc. If rules have been made under Article 309 of the Constitution, then the Government can make appointments only in accordance with the rules. The State is meant to be a model employer. The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 was enacted to ensure equal opportunity for employment seekers. Though this Act may not oblige an employer to employ only those persons who have been sponsored by employment exchanges, it places an obligation on the employer to notify the vacancies that may arise in the various departments and for filling up of those vacancies, based on a procedure. Normally, statutory rules are framed under the authority of law governing employment. It is recognized that no government order, notification or circular can be submitted for the statutory rules framed under the authority of law. This is because, following any other course could be disastrous inasmuch as it will deprive the security of tenure and the right of equality conferred on civil servants under the Constitutional scheme. It may even amount to negating the accepted service jurisprudence. Therefore, when statutory rules are framed under Article 309 of the Constitution which are exhaustive, the only fair means to adopt is to make appointments based on the rules so framed. "**

**27.** In the instant writ proceeding, it is noticed that the Govt. of Arunachal Pradesh has not incorporated any provision in the VLW(Jr) Rules providing the method of recruitment for AFAs even on an emergent situation for ad hoc or temporary or contractual, in exigencies of administration of the village level workers to maintain transparency in such public employment. Such practice of public employment of persons by public servant in disguise of exercise of power of appointment derived from the set of Rules gives rise to improper and irregular appointments, bereft of equality of opportunity and the constitutional scheme of public employment embedded in Articles 14 and 16 of the Constitution of India.

28. In the case of ***State of Bihar v. Upendra Narayan Singh & Ors***, reported in ***(2009)5 SCC 65*** the Apex Court held:

***"The equality clause enshrined in Article 16 mandates that every appointment to public posts or Office should be made by open advertisement so as to enable all eligible persons to compete for selection on merit."***

29. In an identical fact situation involved in the instant writ proceeding, the Supreme Court in the case of ***State of Manipur & Ors. V. Token Singh & Ors.***, reported in ***(2007) 5 SCC 65***, in para 15 observed:

***"Assuming that the State had not framed any recruitment rules in terms of the proviso appended to Article 309 of the Constitution, the same by itself would not clothe the Commissioner of Revenue to make recruitments in violation of the provisions contained in Articles 14 and 16 of the Constitution."***

30. Turning to the office order vide No. Agri/Estt-33/85/2016, dated 31.10.2016, it is noticed that the appointment orders were contrary to the direction issued by the Secretary(Agriculture), Govt. of Arunachal Pradesh, inasmuch as the Director(Agriculture), Govt. of Arunachal Pradesh was debarred from exercising any power vested in him under the Rules/Orders, although no amended substitution is made therein to that effect.

31. It is well settled that Executive instructions/orders cannot supplant statutory rules. In the case of ***Ajaya Kumar Das v. State of Orissa & Ors***, reported in ***(2011)11 SCC 136***, the Supreme Court held that amendments of statutory rules framed under Article 309 of the Constitution can be made only by a rule or notification duly made under Article 309 and not by executive orders or circulars or instructions. For two reasons, the principle is inapplicable to the case of the writ petitioners inasmuch as the appointment orders were signed and issued back dated immediately after the Respondent No. 3/The Director(Agriculture), Arunachal Pradesh retired from service, that is, without authority of Law which is evident from the averments made on oath by the

State Respondents No. 1 and 2, and as such, without maintaining any official record keeping in dark the Govt. of Arunachal Pradesh regarding the appointments so made. The totality of such apparent implications inevitably leads to the only conclusion that the appointment orders were the result of an act that was not genuine, that is, without lawful authority turning out the same to be fake.

**32.** The next most relevant questions that pose for consideration are whether the government is obliged to act on such fake appointment orders and whether the writ petitioners were entitled to the protection under Article 311 of the Constitution of India before cancellation of the said appointment order?

**33.** In the case of *R.S. Sial v. The State of U.P. & Ors*, reported in **(1975) 3 SCC 111**, the Supreme Court held in paragraph No. 9 of the judgment that officiating and temporary Government servants are also entitled to the protection of Article 311 as permanent Government servants if the Government takes action against them by meting out one of the punishments, that is, dismissal, removal or reduction in rank. The Apex Court observed that in such cases, the entirety of circumstances preceding or attendant on the impugned order should be examined and the overriding test will always be whether the misconduct is a mere motive or is the very foundation of the order. Here, the issue involved is not the punishment inflicted after conclusion of an enquiry for any misconduct on the part of the writ petitioners, but of their arbitrary and illegal appointments to the tenure post and as such, the principle of law laid down therein, it is respectfully submitted, is inapplicable to the instant case, because the offers of appointment of the writ petitioners were cancelled not on the ground that some irregularities were committed in the process of recruitment, but on the ground that they were *non est* in the eye of law. The perforated appointment orders being fake ones, those appointment orders were not issued by any authority competent therefore. It is also not known as to

under what circumstances the orders of appointments were issued to the writ petitioners.

**34.** In the case of *State of U.P. & Ors v. U.P. State Law Officers Association & Ors*, reported in *(1994) 2 SCC 204*, the Supreme Court held that persons appointed by arbitrary procedure cannot challenge termination of their services on the ground of the same being arbitrary. The Apex Court held that those who come by the back door have to go by the same door.

**35.** Again in the case of *Upendra Narayan Singh*(supra), the Supreme Court held that if the initial appointments are found to be illegal per se, the direction given by the High Court for their reinstatement with consequential benefits cannot be approved. It was further held in the said case that initial appointment being made in gross violation of doctrine of equality enshrined in Articles 14 & 16 of the Constitution of India and the provisions of the Employment Exchanges(Compulsory Notification of Vacancies) Act, 1959, the learned Single Judge of the High Court gravely erred by directing their reinstatement with consequential benefits.

**36.** Considered thus, this Court is of the opinion that in the backdrop of the facts of the instant proceeding, the cancellation of the fake appointment orders, with incorrect pay band, appointing them temporarily to the post of AFA in the Department of Agriculture, Government of Arunachal Pradesh, without affording them any opportunity of hearing i.e. non observation of natural justice is not an illegality nor an improper exercise of authority and as such, no interference is called for.

**37.** Resultantly, the writ petition stands dismissed.

*Bikash*

**JUDGE**