

**Court No. - 2**

**Case :-** WRIT - C No. - 11006 of 2024

**Petitioner :-** Medipol Pharmaceutical India Pvt. Ltd Thru. Authorized Signatory Aayush Kumar

**Respondent :-** State Of U.P. Thru. Prin. Secy. Medical Health Civil Sectt. Lko And 9 Others

**Counsel for Petitioner :-** Sudhanshu Chauhan, Jai Prakash Mishra

**Counsel for Respondent :-** C.S.C.

**Hon'ble Rajan Roy, J.**

**Hon'ble Brij Raj Singh, J.**

1. Heard Shri Sudhanshu Chauhan, learned counsel for the petitioner and learned Additional Chief Standing Counsel for the State.

2. Learned counsel for the parties are ad-idem that issue involved in this writ petition is covered by our earlier judgment dated 05.12.2024 passed in Writ -C No. 10398 of 2024 in this case also. The order dated 05.12.2024 reads as under:-

"1. Heard.

2. This petition has been filed seeking following reliefs:

"i. A Writ, Order of Direction in the nature of certiorari quashing the order dated 07.6.2024, passed by Respondent no.2, a copy of which is contained in Annexure No.1 to the writ petition;

ii. A Writ, Order or Direction in the nature of certiorari quashing the consequential orders of black listing dated 15.06.2024 passed by Respondent no. 4, 18.06.2024 passed by Respondent no.5, 19/20.06.2024 passed by Respondent no. 6, 18.06.2024 passed by Respondent no. 7, 20.06.2024 passed by Respondent no. 8, 20.06.2024 passed by Respondent no. 9, 21.06.2024 passed by Respondent no. 10, 19.06.2024 passed by Respondent no. 11 and 21.06.2024 passed by Respondent no. 12, copies of which are contained in Annexure No.2 (colly.) to the writ petition,

iii. A Writ, Order or Direction in the nature of Mandamus commanding the Respondent no. 13 and Respondent no. 14 not to proceed on the basis of order dated 07.06.2024 passed by Respondent no. 2 in respect of petitioner or alternatively, if any order of blacklisting is issued on the basis of order dated 07.06.2024 passed by Respondent no. 2, the same may be quashed after summoning the records;

iv Such other appropriate Writ, Order or Direction as this Hon'ble Court may deem just and proper in the circumstances of the case in the interest of justice, be passed in favour of the Petitioner;

v. Costs of the Writ Petition be awarded in favour of the Petitioner."

3. Reliance has been placed on two Coordinate Benches final orders wherein similar orders of blacklisting have been quashed on the ground that under the agreement it is the Directorate or the Director General who was competent to issue an order of blacklisting but the same has been issued by the Chief Medical Officer.

4. The standing counsel says that the decision for blacklisting has been taken at the level of Director General itself but just that the Director General after taking such decision has directed the Chief Medical Officer to issue the orders and accordingly the Chief Medical Officer has merely complied the order of the Director General as a ministerial act and has not taken any independent decision, however, he could not deny the fact that there are similar orders passed by Coordinate Benches in similar matters which have not been challenged. He has, however, placed before us two notices one dated 21.07.2023 the other dated 29.01.2024 addressed to the petitioner specifically pertaining to the agreement in question clearly proposing an action of blacklisting, etc. if certain eventualities are not complied. The submission of learned standing counsel is that therefore, there is sufficient compliance of natural justice, however, the petitioner's counsel says that the petitioner never received the notices.

5. We do wish to enter into this controversy. Although there could be another possible view also in the matter so far as the competence of the Chief Medical Officer to pass blacklisting order is concerned and the decision taken by the Director General in this regard, however, for reasons of propriety as two Coordinate Benches have already taken a line of reasoning disposing of similar matters involving similar issues, therefore, we dispose of this petition with the following directions:

(i) Copies of the aforesaid two notices dated 21.07.2023 and 29.01.2024 have been provided to the petitioner's counsel by the standing counsel in the Court.

(ii) The petitioner shall submit his reply to the aforesaid notices, positively, within two weeks. Thereafter, the Director General, Medical Health and Services, U.P., Lucknow shall take a fresh decision in the matter.

(iii) As regards the orders issued by the Chief Medical Officer, the same stand quashed, however, with liberty aforesaid to the Director General.

6. The petition is disposed of."

3. This writ petition is also **disposed of** in terms of the aforesaid judgment, meaning thereby, the petitioner shall be entitled to the benefit of the observations/directions contained therein with corresponding obligation upon the opposite parties.

(Brij Raj Singh,J.)      (Rajan Roy,J.)

**Order Date :- 19.12.2024**  
R.K.P.