

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15507 of 2010

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Vijay Kumar Karwa, S/O Sri Gopal Karwa, Proprietor, M/S Sri Gopal
Bhagwan Das, At P.O.+P.S.- Kadamkuan, Distt.- Patna

.... Petitioner/s

Versus

1. The Bihar State Text Books Publishing Corporation Limited through its
Managing Director, Budh Marg, Patna
2. The Managing Director, Bihar State Text Books Publishing Corporation
Limited, Budh Marg, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey
Mr.Ramanuj Tiwary
Mr.Rajesh Kumar Choubey
Mrs. Archana Sinha
Mr.Rakesh Narayan Singh
Mr.Prabhat Ranjan Singh

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 07-04-2015 Heard learned counsel for the petitioner. However, none appears on behalf of the respondents, though the name of the learned counsel appearing on their behalf in the present proceeding and, in whose presence, the orders dated 16.09.2010 and 28.09.2010 were passed by a Bench of this Court, is printed in the daily cause list.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the order/communication dated 08.09.2010 (Annexure-4) issued by the respondent Managing Director of Bihar State Text Books publishing Corporation Ltd., Patna, whereby the petitioner has been debarred from participating as a representative of any paper mill in any tender to be floated in future by the respondent Corporation.



Learned counsel appearing on behalf of the petitioner submits that the impugned action/communication is stigmatic one, and the impugned action has been taken/order has been passed against the petitioner only on the ground that he had approached the High Court on earlier occasion for redressal of his valid grievances against the action/inaction of the respondent Corporation. It is further pointed out that, before taking the aforesaid decision, no opportunity of hearing was given to the petitioner. Therefore, according to him, the impugned decision/communication is liable to be set aside on the ground of violation of rules of natural justice.

As indicated above, though the respondents had entered appearance through their learned counsel, but till date no counter affidavit has been filed on their behalf controverting the assertion made on behalf of the petitioner.

In the aforesaid factual backgrounds, the statements made on behalf of the petitioner in the writ petition have to be accepted to be correct.

After having heard the learned counsel appearing on behalf of the petitioner and on going through the materials available on record, this Court is of the opinion that the impugned order/communication dated 08.09.2010 (Annexure-4) issued by the respondent Managing Director cannot be sustained in law. The petitioner could not have been debarred from participating in any tender by the respondent Managing Director simply on the ground that on earlier occasion he had approached this Court by filing writ petitions against the action/inaction of the respondent Corporation. Furthermore, before passing the impugned stigmatic order, the respondent no.2 ought to have given him an opportunity of

hearing, but that has not been done in the present case.

For the reasons recorded above, the impugned order/communication dated 08.09.2010 (Annexure-4) issued by the respondent no.2 is hereby quashed and set aside. However, the respondent no.2 shall be at liberty to pass a fresh order, if occasion so arises, but before doing that, he must give an opportunity of hearing to the petitioner.

In the result, the writ petition stands allowed to the extent indicated above, but there shall be no order as to costs.

(Birendra Prasad Verma, J)

Arvind/-

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