

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.495 of 2016

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1. Raj Kumar Gupta @ R. K. Gupta, proprietor of M/S Kumar and Kumar,
Son of Sri Radha Prasad Gupta, Resident of Bibiganj Danapur Banbasti,
P.O. & P.S. Danapur Cantt. District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. Secretary, Home Department, Patna.
4. Director General of Police, Bihar, Patna.
5. Assistant to Inspector General of Police (Q), Office of Director General of Police, Bihar, Patna.
6. Deputy Inspector General of Police (Provision), Bihar, Patna.
7. Commissioner, Patna Division, Patna.
8. District Magistrate, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ganpati Trivedi
Mr. Madan Mohan
For the Respondent/s : Mr. Kumar Manish- S.C.5
Mr. Kumar Pankaj

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**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA**
ORAL ORDER

3 24-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks quashing of the order dated 19.12.2011 passed by the Deputy Inspector General of Police (Provision), Bihar, Patna as also the order dated 30.06.2015 passed by the Principal Secretary, Home Department, Government of Bihar, Patna whereby the order of the D.I.G. blacklisting the firm of the petitioner for committing forgery in connection with supply of Iron Folding Cot pursuant to tender No. 08/2011-12 has

been affirmed and the appeal of the petitioner has been dismissed.

The facts of the case lie in a narrow compass. The petitioner, being a proprietary firm, filed the tender pursuant to NIT No. 02/2011-12 published by the Bihar Police Headquarter, Patna for supply of Iron Cot. The petitioner being an authorized dealer of M/s. Elora Sales Corporation of Ambala Cant in the State of Haryana filed along with the tender the authorization certificate coupled with the certificate of registration (duplicate) issued by the District Industries Centre, Ambala of the said firm and other requisite documents and the petitioner was declared successful in the technical bid as the lowest tenderer and after the financial bid was opened the petitioner along with another person had been found to have quoted the lowest amount. However, at that stage the respondents started demanding original certificate of the manufacturing unit. Since the petitioner did not have the original of the duplicate certificate that he had filed with the tender papers with respect to the said firm, he sought the same from M/s. Elora Sales Corporation, Ambala which itself was not in possession of the original copy and accordingly sent a fresh duplicate of the certificate issued on 16.7.1998, which was same as that filed earlier by the petitioner, except that the format of the same had been changed. The respondents kept on insisting for the original certificate and upon failure of the petitioner to do so by



letter dated 16.08.2011 the petitioner was directed to file the same by 19.08.2011. The petitioner filed his response before the respondents stating that he was informed by the Manufacturer that the original certificate of registration of the said unit has been lost and the duplicate certificate as saved in the computer was earlier filed with the tender, and subsequently another duplicate certificate has been issued on 29.7.2011 from the District Industries Centre, Ambala which had already been produced before him for perusal on 12.08.2011 itself.

Thereafter the Assistant Inspector General of Police (Q) Bihar, Patna by his letter dated 16.9.2011 asked the petitioner firm as to why appropriate action be not taken against his firm and against the manufacturer for not furnishing the original copy of registration certificate of manufacturing unit rendering the firm's activity in the realm of suspicion. The petitioner filed his reply to the show cause on 21.9.2011 explaining the facts as have been stated above. It was further stated in the said reply that although both the duplicate registration certificates have been issued by the same authority but if the suspicion remains then both the certificates produced before the authorities could be sent for verification to the District Industries Centre, Ambala for removal of doubt. However, without making any further inquiry the Central Purchase Committee rejected the tender filed by the



petitioner's firm on the ground of failure of production of original copy of the registration certificate of the manufacturing unit and further held that the petitioner's firm had attempted to take wrongful gain by producing a forged document and therefore, directed the Senior Superintendent of Police to register an FIR under appropriate Sections and take action in accordance with law.

Apart from the aforesaid action, the petitioner was also blacklisted by the impugned order dated 19.12.2011 issued under the signature of the Deputy Inspector General of Police (Provision) Bihar and appeal against the said order was dismissed by the order dated 30.06.2015 passed by the Principal Secretary, Home Department, Government of Bihar which was communicated by letter dated 07.07.2015 to the petitioner. Aggrieved by the same, the petitioner has approached this Court.

It is pointed out that the petitioner has earlier challenged the order issued by the Deputy Inspector General of Police before this Court by filing a writ petition which was disposed of with liberty to the petitioner to prefer an appeal before the Appellate Authority.

The principal submission of learned counsel for the petitioner is that a duplicate certificate of registration issued by the competent authority cannot be held to be a forged and fabricated



document, unless upon verification it is stated by the issuing authority that the same has not been issued by it. It is urged that the said aspect of the matter has not been considered despite specific stand taken by the petitioner in its reply dated 21.9.2011 that both the duplicate certificates produced earlier and subsequently having been issued by the same authority, the District Industries Centre, Ambala. However, instead of doing the same, arbitrarily and irrationally not only the petitioner's tender has been rejected but an F.I.R. was registered against the petitioner in which the charge-sheet has been filed as also the blacklisting has been done.

So far as the charge-sheet in the police case is concerned, this Court directed the respondents to file supplementary counter affidavit as to whether before filing the charge-sheet, the police had verified the two certificates. In paragraph No.7 of the supplementary counter affidavit, it is specifically stated that with regard to two certificates issued from the District Industries Centre, Ambala, it is stated that no such verification has been done.

It is, thus, evident from a consideration of the facts mentioned above that the authorities have held the petitioner guilty of producing a forged and fabricated document without having taken the basic precaution of getting the said document verified by

the issuing authority.

This Court fails to understand as to how the two documents can be held to be forged and fabricated merely because it is shown to be a duplicate and not original. It is not unusual for the authorities in different Departments and Institutions to issue a duplicate certificate where the original is stated to have been lost and whether the document so produced is a genuine or a fabricated document is to be got verified by the authority which has issued the same and without doing so, it cannot be said to be a forged and fabricated document.

Thus, in the aforesaid view of the matter, this Court finds the action of the respondents in blacklisting the petitioner as wholly arbitrary and without any justification in law or facts since they have done so without making any effort to verify the documents from the authority, which has issued the said documents.

The writ application is allowed and the impugned order dated 19.12.2011 as also the order dated 30.06.2015 are both quashed.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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