

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2886 of 2017

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Kumar Abhishek, son of Sri Rajesh Kumar Gupta, Resident of Nawada, Ara, P.S.
Nawada, District Bhojpur, Bihar.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Civil Supplies, Government of Bihar, Patna
2. The Bihar State Food and Civil Supplies Corporation Ltd. through its Managing Director, 5th Floor, Khadya Bhawan, Daroga Prasad Rai Path, Patna. Bihar.
3. The Managing Director, Bihar State Food and Civil Supply Corporation, 5th floor, Khadya Bhawan, Daroga Prasad Rai Path, Patna, Bihar.
4. The Deputy Chief (Transportation) Bihar State Food and Civil Supplies Corporation Ltd. 5th floor, Khadya Bhawan, Daroga Prasad Rai Path, Patna, Bihar.
5. The District Manager, State Food Corporation, District Bhojpur, Bihar

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Prabhat Ranjan, Adv.
Mr. Chandan Kumar, Adv.
For the State : Mr. Sanjay Kr. Giri- G.P.-9
For the Corporation : Mr. Nikhil Agarwal, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-04-2017

Heard learned counsel appearing for the parties.

2. In this case, the petitioner is challenging the show-cause dated 19.01.2017, asking the petitioner to give explanation, wherein it has been mentioned that the petitioner was appointed



as Door Step Delivery Agent. When the inquiry was conducted, it was found that the materials were not available at the centre, which led to lodging of criminal case. Whereafter, a show cause has been issued by the Deputy Chief (Transport), Bihar State Food and Civil Supplies Corporation (for short "*the Corporation*"), mentioning there that as the materials were not found there at the centre as well as criminal case has been lodged, having asked the petitioner to explain why he should not be blacklisted.

3. Learned counsel for the petitioner submits that the show-cause has been issued at the instance of the Managing Director of the Corporation, who is the adjudicating authority and as such, the show cause itself suffers from illegality. He further submits that the show cause is contrary to the agreement.

4. Learned counsel for the petitioner also submits that merely because of lodging the F.I.R. cannot be a basis for initiation of proceeding of blacklisting. In support of his contention, he placed reliance on the order dated 12.08.2016 passed in C.W.J.C. No.8035 of 2016.

5. As the petitioner has only been asked to file show cause, the



petitioner, if so advised, may give his reply to the show cause before the authority and the authority will decide the matter in accordance with law.

6. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	25.04.2017
Transmission Date	N/A.

