

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19200 of 2017

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1. Arvind Kumar Singh, Son of late Saryu Singh, R/o Mohalla - Prabhunath Nagar Chapra, P.S.- Chapra Muffasil, District- Saran at Chapara Secretary of Bhabha Institute of Social Service.
 2. Satyajit Kumar, Son of late Sadanand Sambudh, R/o Shanti Bhawan, Hanuman Path, Tilkamanjhi, Bhagalpur, Police Station - Bhagalpur Kotwali, District - Bhagalpur, the President of Anga Foundation.
 3. Shailendra Kumar Singh, Son of Sri Amrendra Prasad, R/o Mohalla - Muft Hajipur, Police Station- Hajipur town, District Vaishali , the secretary of Prot Nawal Kishore Prasad Smriti Seva Sansthan.
 4. Arvind Kumar, Son of Sri Vishwanath Sharma, R/o Ward no. 4, Hanumat Nagar, Bettiah, P.S. Bettiah, District- West Champaran at Bettiah, the manager of Croxycy Security Private Limited.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Health, Government of Bihar, Patna.
2. The State Health Society, through its Secretary-cum-Executive Director, Pariwar Kalyan Bhawan, Sheikhpura, Patna.
3. The Commissioner, Saran Division, Chapra.
4. The District Magistrate, Saran -cum-Chairman, District Health Society.
5. The Civil Surgeon-cum-Chief Medical Officer-cum-Secretary, District Health Society, Saran at Chapra.
6. The District Program Manager, Health Society, Saran at Chapra.

.... Respondents

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Appearance :

For the Petitioners : Mr. Jitendra Kumar Roy,
Mr. Sumit Kumar, Advocates
For the Respondents : Mr. S.D. Yadav -AAG9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-01-2018

This writ petition has been filed for quashing the order issued under the joint signature of respondent nos. 4 and 5 by which, contrary to the clause of agreement of giving one month's notice prior to termination of contract, the said order vide memo no. 1849 dated 13.12.2017 has been issued cancelling the contract of petitioners-society engaged to discharge the duty for providing service



at different health centers within the district of Saran.

2. Learned counsel for the petitioners invites attention to the terms of the Article of Agreement entered into between the parties, inter alia, requiring one month's notice for termination of the contract. It is submitted however that no notice whatsoever was served upon the petitioners prior to cancellation of the contract which is also in violation of the principles of natural justice.

3. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-issuance of show cause notice to the petitioners has not been controverted, as no counter affidavit has been filed till date.

4. Having regard to the submissions of the learned counsel for the petitioners, this Court is satisfied that non-issuance of show cause notice to the petitioners has resulted in violation of natural justice and thus the decision cancelling the contract of petitioners-society stands vitiated. The impugned order dated 13.12.2017 (Annexure-1) is hereby quashed and the matter is remanded to the District Magistrate-cum-Chairman, District Health Society, Saran, Chapra for taking decision afresh in the matter after issuing show cause notices to the petitioners and granting an opportunity of hearing in accordance with law.

5. It is made clear that in case the stand of the petitioners denying issuance of show cause notices prior to order of cancellation of contract being passed is found to be incorrect, the respondents shall be



at liberty to approach this Court for recall of this judgment.

6. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.01.2018
Transmission Date	N.A.

