

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6129 of 2018

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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 Chapra, Secretary of Bhabha Institute of Social Services.
 2. Shailendra Kumar Singh, son of Sri Amrendra Prasad, R/o Mohalla Mufti Hajipur, Police Station- Hajipur town, District- Vaishali, the Secretary of Prof. Nawal Kishore Prasad Smrity Seva Sansthan.

.... 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 kalian Bghawan, 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 Programme Manager, Health Society, Saran at Chapra.

.... Respondents

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Appearance :

For the Petitioners : Mr. Jitendra Kumar Roy, Advocate.

For the Respondents : Mr. Rajeshwar Singh, GA-10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-06-2018

I.A. No. 4315 of 2018.

This interlocutory application has been filed with the prayer for amendment of the relevant portion of the prayer in the writ petition by adding the following prayers –

“(i) For quashing of the order issued under the signature of District Magistrate-cum-Chairman District Health Society, Saran, the respondent no. 4 issued vide letter no.



DHS/SAR/1106/18 dated 12.06.2018 by which the petitioner's contract for providing the services to the different Health Centres has been cancelled without assigning any reason in the impugned order.

(ii) Any further directing the authorities for not taking any decision till the matter is enquired by the respondent no. 1 and 2 as mentioned in Annexure-1 the report of the Commissioner, Saran Division before taking any final decision."

2. Having regard to the nature of the prayer, the interlocutory application is allowed and the petitioners are permitted to make appropriate amendment in the writ petition and the same shall be treated as forming part of the writ petition.

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3. The main writ petition has been filed for quashing the order issued under the signature of respondent no. 3, the Commissioner, Saran Division, Chapra contained in Memo No. 1549 dated 01.09.2017.

4. Learned counsel for the petitioners makes a short submission to assail the impugned order of cancellation, to the effect that the same has been passed mechanically and without due application of mind and without assigning any reason for such cancellation.



5. Learned counsel for the respondents appears and has been heard. No counter affidavit has been filed till date.

6. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court finds merit in the writ petition. A bare perusal of the order dated 12.06.2018 (Annexure-11) discloses that the petitioners' contract has been cancelled on the sole ground that the show cause reply filed by them were not satisfactory, without however assigning a single reason whatsoever as to why the same was not found satisfactory. There is no discussion in the order with regard to the plea raised by the petitioners in their show cause reply and why the same did not find favour with the authority. In such circumstances, therefore, it must be held that the impugned order does not amount to a speaking order and is thus violative of the principles of natural justice which cannot be sustained in law.

7. Accordingly, the impugned order contained in Memo No. 1549 dated 01.09.2017 (Annexure-1) passed by the Commissioner, Saran Division, Chapra (Respondent No. 3) and the order dated 12.06.2018 (Annexure-11) passed by the District Magistrate-cum-Chairman, District Health Society, Saran (Respondent No. 4) are hereby quashed and the matter is remanded to the respondent no. 4 to consider and dispose of the matter afresh by a speaking order after



grant of opportunity of hearing to the petitioners in accordance with law.

8. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27.06.2018
Transmission Date	N.A.

