

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19712 of 2018

Rural Youth Jan Seva Parishad through its representative Shailesh Kumar Singh son of Sri Binda Singh having its registered office-North Dahiyawan Tola, Teacher's colony P.S. Chapra a Mufassil, District- Chapra (Saran)

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna
2. The commissioner, Magadh Division, Gaya
3. The District Magistrate-cum-Chairman District Health Society, Gaya
4. The Civil Surgeon-cum-Secretary, District Health Society, Gaya
5. The Sub-Divisional Officer, Tikari Sub-division, Gaya
6. The Deputy divisional Officer, Tikari Sub-division, Gaya
7. Sri Incharge Medical Officer, Primary Health Centres, Tikari, Gaya
8. The Assistant Electric Engineer, Electric Supply Sub-division, Tikari, Gaya
9. The Hospital Manager, Sub-divisional Hospital, Tikari, Gaya
10. The Block Health Manager, Primary Health Centre, Tikari, Gaya

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 20404 of 2018

Peoples Action For Development, Registration No. 1189 of 2004, registered under Society Registration Act 1860, through its Secretary Ramayatan Singh S/o Sri Sajkaldeo Singh having registered office at Village-Miyabigha, Post Kahuara, P.S.-Nardiganj, District-Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna
2. The Commissioner, Magadh Division, Gaya
3. The District Magistrate-Cum-Chairman District Health Society, Gaya.
4. The Civil Surgeon-Cum-Secretary, District Health Society, Gaya.
5. The Sub-Divisional Officer, Sadar Sub-Division, Gaya.
6. The Incharge Medical Officer, Sadar, Gaya.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 19712 of 2018)

For the Petitioner/s : Mr. Gyan Prakash

For the Respondent/s : Mr. Ajay Behari Sinha- Ga8

(In Civil Writ Jurisdiction Case No. 20404 of 2018)

For the Petitioner/s : Mr. Gyan Prakash



For the Respondent/s : Mr.Birju Prasad- Gp13
Mr. Ajit Anand, AC to GP 13

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-07-2019 Heard learned counsel for the petitioners and learned
GA 8 and GP 13 respectively in both the writ applications.

The petitioners in the present writ applications are aggrieved by and dissatisfied with the orders as contained in Memo No. 2623 dated 01.09.2018 as contained in Annexure '11' and Annexure '7' in the two writ applications respectively.

By these impugned orders the firm of the petitioners have been black listed without providing any time limit. Both the petitioners are also aggrieved by the order contained in Memo No. 2712 dated 13.09.2018 which are Annexure '11' and Anneuxre '8' in the two writ applications respectively by which the payment of their bills have been stopped till further order. But at this stage, learned counsel for the petitioners is not pressing the reliefs with regard to Annexure '12' and Annexure '8' to the writ applications respectively.

Learned counsel for the petitioners, however, seeks liberty to challenge those orders with regard to non-payment of the Bills, if occasion will so arise in future. Liberty is granted.

So far as the order of black listing is concerned, learned counsel for the petitioners submits that this order has to be set aside on the solitary ground of violation of principles of natural



justice inasmuch as it would appear from the impugned orders that prior to passing of the same no opportunity of hearing or to show cause was given to the petitioners. In this connection learned counsel submits that the impugned orders have been passed in haste on the direction of the District Magistrate, Gaya. He has also relied upon the judgment of the Hon'ble Supreme Court in the case of **M/s Kulja Industries Limited v. Chief Gen. Manager, W.T. Proj., BSNL** and others reported in **AIR 2014 SC 9** to submit that if the impugned orders have been passed without giving any opportunity to show cause to the petitioners the same suffers from the vice of violation of principles of natural justice and should be set aside.

Learned GA 8 and GP 13 for the State having realised the difficulties in defending the impugned orders as contained in Annexure '11' and Annexure '7' to the writ applications respectively, submit that in such circumstance the matter may be remitted to the Civil Surgeon-cum-Chief Medical Officer, Gaya for a fresh consideration after giving an opportunity to show cause to the petitioners.

In the given facts and circumstances of the case, since the petitioners in both the cases have been able to make out a case of violation of principles of natural justice showing that prior to passing of the impugned orders no opportunity to show case was



given to the petitioners, considering the prima-facie case of the petitioners and the stand of the respondents, this Court hereby sets aside the impugned orders as contained in Annexure '11' and Annexure '7' to the writ applications respectively and remit the matter to the Civil Surgeon-cum-Chief Medical Officer, Gaya (respondent no. 4) for proceeding afresh after giving an opportunity to show cause to the petitioners and consideration thereof before passing a reasoned order.

Let the whole exercise be completed within a period of 60 days from the date of receipt/production of a copy of this order.

It goes without saying that on receipt of the show cause notice the petitioners will have liberty to place all such materials which are available to them with which they may support their contentions.

Both the writ applications stand disposed of.

(Rajeev Ranjan Prasad, J)

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