

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20063 of 2019

Chaitanya Vihar Vikash Manch having its office at Kanti Factory Road near Universal ITI School, M.G. Nagar, Kankarbagh, Police Station- Kankarbagh, District- Ptna-800020 (Bihar Represented through its Secretary namely Dilip Kumar Singh aged about 44 years, Male son of Late Mahendra Prasad Singh, Resident of Village- Mahnar Tara Chauri P.O. and P.s.- Mahnar, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Health Services, Govt. of Bihar, Patna
2. The Director-in-Chief Department of Health Services, Govt. of Bihar, Patna
3. The District Officer Sitamarhi
4. The District Health Society through its Chairman-cum-District Officer, Sitamarhi
5. The Civil Surgeon-cum-Member Secretary District Health Society, Sitamarhi
6. The Deputy Superintendent Sadar Hospital, Sitamarhi
7. The Incharge Medical Officer Primary Health Centre Nanpur, District- Sitamarhi

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Karandeep Kumar, Advocate
For the Respondent/s	:	Mr. Birju Prasad, GP-13
		Mr. Ajit Anand, AC to GP-13

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 04-02-2020 The petitioner has challenged the decision 12.04.2018 passed by the Director-in-Chief, Health Services, Bihar, Patna as well as the decision dated 23.04.2018 which is a sequel to the earlier order and which has been passed by the Civil Surgeon-cum-Chief Medical Officer, Sitamarhi whereby the agreement with



the petitioner for carrying out maintenance and cleaning work of various units of hospitals in the District of Sitamarhi has been cancelled and the petitioner has been blacklisted for an indefinite period.

The only reason for the petitioner to approach this Court is that such order was passed without serving any show-cause notice to him or seeking his explanation with respect to the question put by one of the honorable members of the Legislative Assembly.

The very fact that a starred question was put in the house against the functioning/working of the petitioner that the petitioner has been visited with such consequences.

It cannot be gainsaid that before passing any order, which is to be disadvantage of a concessionaire, he is to be noticed and an explanation is to be received and considered. Times without number and specifically in

M/s Kulja Industries Limited versus Chief General Manager, W.T. Project, BSNL & Ors AIR 2014 SC



9, the Supreme Court has castigated such unilateral action without taking into account the explanation of the concerned contractor.

For the aforesaid reason, the order of blacklisting the petitioner's company is set aside.

No specific order is being passed with respect to revoking the order rescinding the contract with the petitioner as the term of contract has already expired and the petitioner is no longer interested in continuing with the same work under the same project.

The petitioner shall be asked for his explanation by the Civil Surgeon-cum-Member Secretary, District Health Society, Sitamarhi/respondent No. 5 and on receipt of such show-cause reply, necessary reasoned order shall be passed and communicated to the petitioner. The entire exercise shall be concluded within a period of six weeks, to be counted from the date of receipt of a representation by the petitioner, annexing a copy of this order, which shall be done within two weeks



from today. The petitioner shall also be paid for the work that has been rendered by the company till the time the agreement with him was rescinded.

With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

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