

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8177 of 2020

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Sunil Kumar @ Sunil Kumar Ojha, aged about 36 years, (Male), Son of Sri Surendra Kumar Ojha, Resident of Tara Kunj House, Ram Jaipal Nagar, Gola Road, PS-Rupaspur, District-Patna 801503.

... .. Petitioner/s

Versus

1. The Bihar Police Building Construction Corporation Ltd. through its Chairman Cum Managing Director, Kautilya Nagar, Patna-14.
2. The Chairman Cum Managing Director, Bihar Police Building Construction Corporation Ltd., Kautilya Nagar, Patna-14.
3. The Chief Engineer, Bihar Police Building Construction Corporation Ltd., Kautilya Nagar, Patna-14.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P K Shahi, Sr. Advocate with Mr. Vikas Kumar, Advocate
For the BPBCCCL	:	Mr. Prasoon Sinha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 25-03-2021

Heard Mr. P K Shahi, learned senior counsel along with Mr. Vikas Kumar, learned counsel for the petitioner and Mr. Prasoon Sinha, learned counsel for the Bihar Police Buildings Constructions Corporation Limited (hereinafter referred to as the ‘Corporation’).

2. The petitioner has moved the Court for the following relief:

“1. That in this writ application petitioner prays for issuance of appropriate writ(s)/order(s)/direction(s) for quashing of office order no. 310/2020 contained in Memo No. Hq. 2348 dated 29.07.2020 whereby and where under



registration of petitioner has been blacklisted till further order. For any other relief/reliefs for which the petitioner is found entitled to.”

3. Learned counsel for the petitioner submitted that the blacklisting order dated 29.07.2020 has been passed without adhering to the basic and mandatory principle of natural justice as he was not given reasonable opportunity to show cause. It was submitted that though the show cause was asked from him on 23.07.2020 requiring him to file his reply by 26.07.2020, due to the COVID-19 situation prevailing, he made a request on 26.07.2020 to allow him further two weeks' time to file reply. It was submitted that no order was passed on the same and the matter was kept pending and suddenly the final order dated 29.07.2020 has been passed by which the petitioner has been blacklisted.

4. Learned counsel for the Corporation fairly submitted that on facts, it is not disputed that on the last day on which the petitioner was required to submit his reply, he had given his application praying for further two weeks' time on which no order was passed and the final order of blacklisting has been passed.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that the application has to be allowed on the short point of



there being violation of the principles of natural justice. The petitioner being given a show cause and a time fixed for submitting reply, did file an application, though asking for extension of time, but the date on which the same was filed admittedly was the period where there were circumstances beyond control due to the COVID-19 Pandemic and the prayer for time of two weeks, in the considered opinion of the Court, was reasonable. Moreover, no order was passed on his request and suddenly, the authorities passing final order of blacklisting cannot be sustained.

6. Accordingly, the application is allowed. The impugned order dated 29.07.2020 is quashed. The matter is remanded to the authorities, to take a fresh decision with regard to proceeding against the petitioner in the matter. However, the Court would only indicate that if the authorities propose to proceed in the matter, the petitioner would be given due and reasonable opportunity to show cause and after considering the show cause and also an opportunity of personal hearing, if so desired by him, final order shall be passed.

7. As has been agreed between learned counsel for the parties, the Corporation shall take a call on whether to proceed or not against the petitioner within one month from today. If the



same is done, the petitioner shall be given time of at least three weeks to submit his reply. Learned counsel for the petitioner undertakes that he shall submit his reply within the three weeks’ time period granted to him. Thereafter, the authorities, if a request is made by the petitioner, shall give him an opportunity of hearing within the next two weeks. Upon such exercise being completed, the authorities shall pass final order in the matter within three weeks thereafter.

(Ahsanuddin Amanullah, J.)

P. Kumar

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