

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12312 of 2022

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M/S Madhup Info Solutions through its Proprietor, Sri Mrinal Madhup, (Male) Aged about 47 years, S/o Sri Arvind Kumar Sinha, Office At-Parmanand Path, Boring Road, Nageshwar Colony, P.S. Budhdha Colony, Dist. Patna- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through, The Director, Department of Information and Public Relations, Government of Bihar, Patna.
2. The Director, Department of Information and Public relations, Government of Bihar, Patna, at Suchna Bhavan. Sardar Patel Marg, Rajvanshi Nagar, Patna- 15
3. The Commissioner, Patna, Patna Commissionaire, Near Gol-Ghar, Commissioner Office, Patna.
4. The District Magistrate, Patna, District Patna.
5. The District Information and Science Officer, District Information Science Centre, Patna.
6. The Addl. District Magistrate, Patna, District Patna.
7. The District Nazarath Section, The District Magistrate, Patna, District Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K.Shahi, Sr. Advocate Mr.Mrityunjay Kumar, Advocate
For the Respondent/s	:	Mr. S.K. Mandal, SC 3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 26-08-2022

Petitioner has prayed for the following relief(s):-

“i. For setting aside of the Office Order of blacklisting sine die of the Petitioner Firm vide Memo No. 1538/Nazo0, Patna dated 23/07/2022 (Annexure-7) issued by the Respondent No. 4 by which the Respondent



Authority concerned has randomly and illegally forfeiting the earnest money of the Petitioner Firm for Bid No. P.R.-2355 Jila 22-23 (Annexure-2), with imposing sentence of blacklisting (For sine die) with administrative attitude of denial of opportunity to hear the Petitioner.

ii. For issuing direction to the Respondent No. 4 to recall its order of forfeiting of earnest money and remove the Petitioner from Black List and inform to all concerned as informed vide Memo No. 1538/Nazo0, Patna dated 23/07/2022 (Annexure-7).

iii. And for any other relief as your Lordships may deem fit and proper in the facts and circumstances of the present case.”

We do not find the impugned order dated 23.07.2022 (Annexure-6), passed by the Respondent No. 4, namely, The District Magistrate, Patna to have been passed in compliance with the principles of natural justice. Passing of the order entails civil consequences, inasmuch as the petitioner stands blacklisted/debarred for an indefinite period from the date of passing of the order. Also, we find the order to have been passed not in compliance with the directions issued by this Court vide order dated 20.02.2018 passed in CWJC No. 16989 of 2017, titled as **Raman Kumar Singh Vs. Bihar State Food and Civil Supplies Corporation Ltd., Bihar Patna & Ors.**, wherein also the earlier order passed by the respondent blacklisting/debarring the petitioner for an indefinite period



stood quashed.

Vide current impugned order, the respondents have not assigned any reason, much less plausible, for having blacklisted/debarred the petitioner for an indefinite period. The principle of proportionality has not been considered. The effect of blacklisting/debarment entails both civil and penal consequences.

As such, on this short ground alone, the impugned order dated 23.07.2022 (Annexure-6), passed by the Respondent No. 4, namely, The District Magistrate, Patna is quashed and set aside.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	30.08.2022
Transmission Date	

