

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18107 of 2021

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Raman Kumar Singh Son of Late Ram Chandra Prasad Singh Resident of
Village - Gautam Bazar, Ward No. 11, Police Station - Saharsa, Post Office -
Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Food and Civil Supply Department, Government of Bihar, New Secretariat, Patna.
3. Bihar State Food and Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna through its Managing Director.
4. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna.
5. The Chief Administrator, Bihar State Food and Civil Supply corporation Ltd. Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna.
6. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., Bhagalpur.
7. The District Magistrate, Bhagalpur.
8. The Block Supply Officer, Jagdishpur, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Advocate Mr. Sanjeet Kumar, Advocate Mr. Raj Kamal, Advocate Mr. Ujjawal Bhushan, Advocate Mr. Digvijay Narayan Singh, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5 Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-08-2022

Heard learned counsel for the parties.

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



That the present writ application is being filed for quashing the order dated 29.06.2021 contained in memo no. 4958 dated 13.07.2021 passed by the Managing Director, Bihar State Food and Civil Supply Corporation Limited (hereinafter referred as Corporation), whereby and where under, the previous order contained in memo no. 3899 dated 28.03.2016 has been modified to the extent that the petitioner has been blacklisted for 10 years and it has further been ordered that other decision contained in the previous order shall remain unchanged.

The aforesaid order has been passed in the light of the liberty granted to the corporation by this Hon'ble Court vide order dated 20.02.2018 passed in C.W.J.C. No. 16987 of 2017 (Raman Kumar Singh Vs The Bihar State Food and Civil Supplies Corporation Ltd., Bihar, Patna & Ors.).

We do not find the impugned order dated 29.06.2021, as contained in Memo No. 4958 dated 13th of July, 2021, passed by the Managing Director, Bihar State Food and Civil Supply Corporation Limited (Annexure- P/1 Page 29) 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 a period of ten years 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. (Annexure-P/3), 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 a period of ten years. The principle of proportionality has not been considered. Also, while passing the impugned order, respondents have merely substituted the earlier order by reducing the period i.e. blacklisting from an indefinite period to 10 years. The effect of debarment entails both civil and penal consequences.

As such, on this short ground alone, the impugned order dated dated 29.06.2021, as contained in Memo No. 4958 dated 13th of July, 2021, passed by the Managing Director, Bihar State Food and Civil Supply Corporation Limited (Annexure-P/1 Page 29) is quashed and set aside.



At this stage, Shri Chitranjan Sinha, learned senior counsel states that petitioner has already suffered for more than six years, inasmuch as for the said period he could not participate in any of the tenders invited by any one of the statutory authorities/instrumentality of the State.

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)

Amrendra/-PKP

AFR/NAFR	
CAV DATE	
Uploading Date	26.08.2022
Transmission Date	

