

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6999 of 2021

MS Dolly Security and Intelligence Pvt. Ltd., through its Director Sudhir Kant Shukla, Age- 34, Male S/o Visheshwar Shukla, Resident of Shukla Tola, Ward No. 15, P.S.- Chanpatia, District- West Champaran (Betiah)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna
2. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Executive Director-cum-Special Secretary, State Health Society, Bihar, patna
4. The Deputy Secretary cum in-charge PPP, State Health Society, Bihar, Patna
5. The Director Information and Public Relations, Govt. of Bihar, Patna.
6. The District Magistrate, West Champaran (Bettiah).
7. The Civil Surgeon-cum-Chief Medical Officer, West Champaran, Bettiah.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1939 of 2020

MS Dolly Security and Intelligence Pvt. Ltd. through its Director Sudhir Kant Shukla, Age-34, Male, S/o Visheshwar Shukla, Resident of Shukla Tola, Ward No. -15, P.s.- Chanpatia, District- West Champaran (Betiah).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health Government of Bihar, Patna
2. The Principal Secretary, Department of Health Government of Bihar, Patna
3. The Executive Director-cum-Special Secretary, State Health Society Bihar, Patna



4. The District Magistrate, West Champaran (Bettiah)
5. The Civil Surgeon -cum- Chief Medical Officer, West Champaran, Bettiah

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4874 of 2020

Dauli Shiksha Sah Samaj Kalyan Sansthan Chanpatia through its Secretary Sudhir Kant Shukla, Age - 34 years, Male S/o Visheshwar Shukla, Resident of Shuklatola, Chanpatia, Ward No. 15, P.S.- Chanpatiya, District- West Champarasn (Bettiah), Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Social Welfare, Govt of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary, Department of Social Welfare, Govt of Bihar, Old Secretariat, Patna.
3. The District Magistrate, West Champaran, Bettia.
4. The Deputy Director, Welfare, Tirhut Division, Muzaffarpur.
5. The District Welfare Officer, West Champaran, Bettia.
6. The Sub Divisional Officer, Bagaha, West Champaran, Bettia.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 6999 of 2021)

For the Petitioner/s	:	Mr. Surendra Kumar Singh
For the Respondent/s	:	Mr. Ajay Bihari Sinha, GA-8 Mr. Suryakant Kumar, AC to G.A.-3
For the Health Society	:	Mr. K. K. Sinha, Advocate Mr. Shashi Shekhar, Advocate

(In Civil Writ Jurisdiction Case No. 1939 of 2020)

For the Petitioner/s	:	Mr. Surendra Kumar Singh Ms. Sudha Chandra
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Ms. Tulika Singh, Advocate
For the Respondent/s : Mr. Anil Kumar Verma, AC to AAG-9
(In Civil Writ Jurisdiction Case No. 4874 of 2020)
For the Petitioner/s : Mr. Surendra Kumar Singh
For the Respondent/s : Mr. S.K. Mandal (SC3)
Mr. Bipin Kumar, Advocate
Ms. Neelam Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

11 05-07-2023

C.W.J.C. No. 6999 of 2021

C.W.J.C. No. 1939 of 2020

1. These two petitions do not survive for consideration in view of later development that certain proceedings have been drawn on 21.04.2023.

2. Accordingly, these two petitions stands disposed of as it has become infructuous.

C.W.J.C. No. 4874 of 2020

3. The instant petition has been filed for following reliefs:

i) To issue an appropriate writ, order or direction for quashing the order published in the most peculiar manner in the daily Newspaper Hindustan on 20.11.2019 by the Respondent District Welfare Officer, West



Champaran, Bettiah without any show-cause notice or proceeding of Blacklisting has Blacklisted the organization of the Petitioner on wholly erroneous grounds contrary to the principles of law laid down on the subject.

ii) To issue further appropriate writ, order or direction commanding the Respondent District Welfare Officer, West Champaran, Bettiah to remove the name of Dauli Shiksha Sah Samaj Kalyan Sansthan from the list of blacklisted organizations so that the organization can continue rendering it's social services to the society.

iii) To issue further appropriate writ, order or direction commanding the Respondent Principal Secretary to institute a high level inquiry into the illegal and arbitrary actions and the malfunctioning of the Respondent District Welfare Officer, West Champaran, Bettiah, with respect to the affairs of the various Govt. run Residential schools for SC/ST in the District of West Champaran.

iv) This Hon'ble Court may adjudicate and hold that the action of the Respondent authorities in Blacklisting the organization / the Petitioner without any show-cause / notice / proceeding that too through an order published only in the newspaper is totally illegal and without jurisdiction and as such the same is not sustainable in the eyes of law.



v) *This Hon'ble Court may further adjudicate and hold that the actions of the Respondent authorities are violative of Article 14, 19 and 21 of the Constitution of India.*

vi) *To award the cost of litigation and suitable Compensation to the Petitioner for the loss and damages caused to him due to the illegal order of the Respondent District Welfare Officer, West Champaran, Bettiah.*

vii) *To grant / award any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.”*

4. In support of challenge to the blacklisting order, the petitioner has contended that such action has been taken without hearing the petitioner, in other words, no show-cause notice.

5. On this short ground, the petitioner has made out a case.

6. Accordingly, black-listing order dated 20.11.2019 Annexure-13 stands set aside reserving liberty to the competent authority to proceed in accordance with the law laid down by the Hon'ble Apex Court in the case of *Isolators and Isolators Vs. Madhya Pradesh Madhya Kshetra Vidyut Vitran Co. Ltd. & Anr. [2023 SCC OnLine SC 444]* and *UMC Technologies Private Limited Vs. Food Corporation of Indian & Anr. [(2021) 2 Supreme Court Cases 551]*.



7. The above exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

8. The competent authority is hereby directed to issue a detailed show-cause notice, petitioner is hereby directed to submit his detailed explanation to the proposed show-cause notice for black-listing for number of years and thereafter final order shall be passed by the competent authority after due consideration of each of the contentions to be raised by the petitioner in his explanation to the proposed show-cause notice to be issued by the competent authority.

In view of the aforesaid facts and circumstances, writ petition stands allowed.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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