

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3314 of 2023

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Somya Shekhar Son of Birendra Prasad Roy, Resident of Vinayak Nagar,
Purbi Brahmpur, Near I.T.I., P.S.- Phulwari, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Department of Industry, Government of Bihar, Patna.
2. The Addl. Chief Secretary, Industry Department, Government of Bihar, Patna-cum-chairman, Bihar State Credit and Investment Corporation Limited, Bailey Road, Patna.
3. The Managing Director, Bihar State Credit and Investment Corporation Limited, Indira Bhawan, 4th Floor, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav, Advocate
For the Respondent/s : Mr.Zaki Haider, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and the State.

No one appears for the Bihar State Credit and Investment Corporation Limited, Patna (hereinafter referred to as the ‘BSCICO’).

This writ application has been filed for setting aside the decision of the Board of Directors of the ‘BSCICO’ taken in its 255th meeting held on 30.05.2022 vide Agenda Item No.255/10.

Learned counsel for the petitioner submits that a proposal for appointment of the petitioner on compassionate ground was placed in the 255th meeting of Board of Directors of



‘BSCICO’ with recommendation of the compassionate appointment committee as contained in Annexure- ‘5’ to the writ application but the said proposal has been rejected by the Board in two words “Not Agreed”.

Learned counsel has taken this Court through the minutes of the Board of Directors as contained in Annexure- ‘6’ to the writ application to show that no reason has been provided for not agreeing with the recommendation of the compassionate appointment committee.

Learned counsel submits that the decision of the Board of Directors being a non-speaking decision is liable to be quashed and cancelled on the ground of violation of principles of natural justice alone.

Learned counsel for the State submits that it is for the ‘BSCICO’ to defend its decision.

Since no one appears for the ‘BSCICO’ despite service of copy and publication of name of the learned counsel, this Court is proceeding to pass an order on the basis of the materials available on the record.

Having heard learned counsel for the petitioner and the State and upon perusal of the decision of the Board of Directors of ‘BSCICO’ as contained in Annexure- ‘6’ to the writ application, this Court finds that the proposal for appointment of



the petitioner on compassionate ground has been rejected only in two words “Not Agreed”. It is well settled that relevance and reasons are the twin principles of our Constitution. Any decision which lacks reasons and relevance is liable to be quashed. Accordingly, the decision of the Board of Directors of the ‘BSCICO’ rejecting the proposal of the appointment of the petitioner on compassionate ground is hereby set aside.

Matter is remitted to the Board of Directors of the ‘BSCICO’ to consider the recommendation of the compassionate appointment committee within a period of one month and for this purpose if required the Board’s meeting be convened and held within the given period. The Board shall take a reasoned decision keeping in view the purpose of such appointments and the facts of the case.

This writ application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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