

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18568 of 2018

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Jawed Alam Khan, Son of Sri Mehre Alam Khan, resident of Muhalla-
Brahampur, P.O.- Chapra, P.S.- Bhagwanpur Bazar, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. Bihar State Food And Civil Supplies Corporation through its secretary, Head office Sone Bhawan, 5th floor, Birchand Patel Path, Patna.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation, Sone Bhawan, 5th floor, Birchand Patel Path, Patna.
3. The Chief of Administration, Bihar State Food and Civil Supplies Corporation, Sone Bhawan 5th floor, Birchand Patel Path, Patna.
4. The Chief of Finance, Bihar State Food and Civil Supplies Corporation, Sone Bhawan 5th Floor, Birchand Patel Path, Patna.
5. The District Manager, Bihar State Food and Civil Supplies Corporation, Sone Bhawan 5th floor, Birchand Patel, Patna.
6. The General Manager, Transport, S.F.C. Head Quarter, Patna.
7. The Deputy Manager, Transport, S.F.C. Head Quarter, Patna . Sone Bhawan 5th floor, Birchand Patel Path, Patna.
8. The Officer-Incharge, Gardanibagh, Police Station, Patna.
9. The State of Bihar through its Principal Secretary, Dept. of Bihar State Food and Civil Supply Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amir Alam, Advocate
For the Respondent/s : Mr. S. Raza Ahmad- AAG5

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

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

3 18-04-2023 In the instant petition, petitioner has prayed for the
following relief(s):-



“That, this is an application for issuance of an appropriate writ/writs, direction/ directions, order/orders for quashing the order dated 13.07.2018 issued by memo No. 1599 by which the respondent no. 5 has been pleased to cancelled the agreement reached between the parties in respect of Door steps delivery of food grains to the supply area of R.Block, Rajbanshi Nagar and Phulwarisharif with-out following the mandate of the provision of clause 3[iv] of the policy dated 16.03.2018 issued vide memo no. 2648 under the authority of Respondent no.6 as well as to name the petitioner in the black list of the corporation and further seized the security amount as well as the amount of Bank gurantee. These all are in utter violation of the policy dated 16.03.2018 and in derogation of the principle of Natural justice.”

2. There is no assistance from the respondents' counsel in order to ascertain whether impugned order dated 13.07.2018 (Annexure-7) is in order or not?

3. Perusal of records, it is evident that show cause notice was issued on 07.04.2018. However, there is no reference of show cause notice read with the reply to the show cause notice stated to have been filed by the petitioner. In other words, impugned order dated 13.07.2018 insofar as cancellation of agreement, blacklisting and forfeiting of EMD amount is bereft of reasons. On this short ground, impugned order dated 13.07.2018 (Annexure-7) stands set aside reserving liberty to the concerned respondent to proceed in



accordance with law after due and ample opportunity of hearing to the petitioner within a period of three months.

4. At this stage, it is necessary to take note of Apex Court decision in the case of *UMC Technologies Pvt. Ltd. v. Food Corporation of India and Anr.*, reported in *(2021) 2 SCC 551*.

5. Overall view of the Court insofar as blacklisting matters, the authorities were required to take note of the following points.

(i) The order of blacklisting involving civil consequences cast slur. Such an action can be taken only on the basis of objectives satisfaction of the authority concerned. The fundamental of fair play require that the person concerned should be given an opportunity to present his case before he is put on blacklisting.

(ii) The notice of blacklisting must specifically spell out the intention of blacklisting.

(iii) The order of blacklisting must be speaking order supported with reasons.

(iv) Blacklisting cannot be for an indefinite period and the period of blacklisting should be fixed based on doctrine of proportionality of the case.



6. The concerned authority is hereby directed to take note of the aforementioned principles laid down by the Apex Court before proceeding further in the matter.

7. Accordingly, the writ petition stands allowed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Balmukund/
DKS/-

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