

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3344 of 2023

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Amit Kumar Singh, Male, Aged about 38 years, S/o Sanjay Kumar Singh, R/o Village-Saranpur Khalispur, Post-Sarangpur, P.S.-Tajpur, District-Samastipur, Bihar (848505).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
2. The Secretary, Human Resource Development Department, Government of Bihar, Patna.
3. The Director, Human Resource Development Department, Government of Bihar, Patna.
4. The Managing Director, Bihar State Infrastructure Development Corporation Ltd.
5. The Chief Engineer, Bihar State Infrastructure Development Corporation Ltd.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sriram Krishna, Advocate Mr. Prabhat Kumar Singh, Advocate Mr. Amarjeet, Advocate
For the Respondent/s	:	Mr. Madan Jeet Kumar, GP 20
For BSEIDC	:	Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 06-04-2023

Heard learned counsels for the respective parties.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“I. To issue an appropriate Writ(s), Order(s) or

Direction(s) to the respondent authorities to quash the office



order dated 17.12.2022 contained in memo no. 249 whereby the petitioner's bid in NIT No. 10/2022-23 at serial no. 4 has been rejected and the petitioner has been blacklisted for a period of 10 years without issuance of any show cause notice;

II. To issue an appropriate Writ(s), Order(s) or Direction(s) to the respondent authorities for providing the petitioner with an opportunity of hearing before taking any coercive and harsh action against the petitioner.

III. To issue an appropriate Writ(s), Order(s) or Direction(s) to the respondent authorities for keeping the letter dated 17/12/2022 as contained in memo no. 249 in abeyance till the final adjudication of this case;

IV. To issue an appropriate Writ(s), Order(s) or Direction(s) to the respondent authorities to restore the petitioner's bid pursuant to NIT No. 10/2022-23; and

V. To pass any other appropriate Writ(s), Order(s), or Direction(s) that this Hon'ble Court may deem fit on the facts and in the circumstances of the case."

3. Core issue involved in the present petition is whether the petitioner has been heard before blacklisting him or not?

4. Learned counsel for the respondents fairly submitted that petitioner has not been notified before blacklisting and he has not been provided opportunity. In the light of these facts and circumstances, the petitioner has made out *prima facie* case so as to interfere with the impugned communication dated 17.12.2022.



Accordingly, it is set aside, reserving liberty to the concerned respondent to proceed in accordance with law within a period of three months from the date of receipt of this order.

5. This Court has come across in umpteen number of cases where the matter is relating to blacklisting is being issued without notice to such of those persons whose rights are likely to be affected. Number of judicial pronouncements have ordered that if any person’s civil rights are affected by virtue of any order passed by Executive Authority, notice is required in order to comply Article 14 of the Constitution, but the same is being regularly violated as seen from time to time. The same shall be taken note of to avoid multiplicity of litigation. If the same is repeated, adverse order would be passed against the concerned official respondent in future case/s.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.04.2023
Transmission Date	NA

