

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4621 of 2023

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Amarjeet Singh S/o Late Dilip Singh Proprietor- M/s Shashwat Services,
having its office at Mohan Complex, Road No. 4, Ward No. 29, P.O. and P.S.-
Rampur, District- Gaya, R/o- Mohalla West Police Lines, P.S.- Rampur,
District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Gaya.
4. The Superintendent of Police, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad (SC-8)

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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)

4 11-05-2023 In the instant writ petition, petitioner has prayed for
the following reliefs:-

“i. For setting aside the arbitrary and non speaking order issued by the Senior Superintendent of Police, Gaya - Respondent No.3, vide Memo No. 325 dated 19.01.2023, whereby without adhering to the Principles of Natural Justice and the Rule of law, the Tender awarded in favour of the petitioner on 13.05.2022 has been cancelled vide Memo No. 8202 dated 27.12.2022 on the basis of the recommendation dated 27.12.2022 of a Committee, with a superficial and perfunctory finding to the effect that there has been a violation of an order and the petitioner has further been directed to remove the generators,



before 25.01.2023 installed by him at the police installations mentioned in Memo No. 325 dated 19.01.2023;

ii. For directing the respondent authorities to place on record the copy of Memo No. 8202 dated 27.12.2022 vide which the decision has been taken to cancel the Tender awarded in favour of the petitioner on 13.05.2022 and also for directing the respondent authorities to place on record the minutes of the proceeding of the so called Committee dated 27.12.2022, when the recommendation has been made by the Committee to cancel the Tender issued in favour of the petitioner;

iii. For directing the respondent authorities for restoring the Tender which has been awarded to the petitioner on 13.05.2022, after setting aside the cancellation of Tender dated 13.05.2022, concerning which the order has been passed through Memo No. 8202 dated 27.12.2022, which has been communicated to the petitioner by the Memo No. 325 dated 19.01.2023;

iv. For fixing the accountability of the financial loss and the mental agony which the petitioner has faced due to the arbitrary, mechanical, perfunctory, non speaking, non reasoned and despotic high handed act of the respondent authorities concerned and thereby awarding a compensation of Rs. 25 Lakhs (25,00,000) to the petitioner ;

v. For directing the respondent authorities concerned to stay any proceeding for notifying or issuing any fresh Tender with regard to installation of generators at the police establishments concerned, in Gaya and also with regard to supplying meals to the Police Personnel at Gaya District under Rule - 760(b) of the Bihar Police Manual, concerning which the petitioner had been awarded the Tender on 13.05.2022 on the basis of due process of awarding of Tender;



vi. For grant of any other relief/reliefs as may deem fit and proper in the light of the facts and circumstances of the case.”

02. The respondents along with the counter affidavit furnished the cancellation of award of contract in favour of the petitioner during the existence of tender award and it is produced as Annexure-B dated 27.12.2022.

03. Perusal of Annexure-B dated 27.12.2022, it is evident that the petitioner has not been heard and the impugned order was passed without following due process of law like issuance of show-cause notice and other formalities. Time and against Courts have held that if any adverse order is passed and if a civil right is effected, in such an event, the concerned person should be provided show-cause notice and he be heard in the matter. In the absence of providing show-cause notice and reply from the petitioner, the impugned action of cancellation of award of tender is arbitrary and illegal.

04. Accordingly, Annexure-B dated 27.12.2022 is set aside, reserving liberty to the concerned respondents to initiate proceedings appropriately by issuing a detailed and specific show-cause notice to the petitioner, on receipt of petitioner's explanation on the show-cause notice, proceed to pass a speaking order and communicate the same to the petitioner. The



above exercise shall be completed within a period of three months from the date of receipt of this order.

05. The writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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