

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8275 of 2023

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Rohit Paswan S/o Vijay Paswan Resident of Gandhi Tola, Manihari, P.S.-
Manihari, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
3. The Director, Mid Day Meal, Text Book Compund, Budha Marg, Patna.
4. The District Magistrate, Katihar.
5. The District Magistrate-Cum-Chairman, District Level Tender Selection Committee, Katihar.
6. The District Programme Officer, Mid Day Meal, Katihar.
7. The District Programme Officer-Cum-Member Secretary, District Level Tender Selection Committee, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr. Madanjeet Kumar (GP-20)
For State	:	Mr. Mrigendra Kumar AC to GP. 20
For Respondent-BSEIDC:	:	Mr. Girijish Kumar, Advocate

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

Date : 17-07-2023

In the instant petition, the petitioner has prayed for
the following relief:-

“(i) To issuance of an appropriate writ/order/direction in nature of certiorari for quashing the order contained in Memo No. 234 dated 23.03.2023 passed by District Programme Officer, P.M. Poshan Yojana Katihar by which the petitioner has



been black listed and security money has been seized and further the petitioner has been terminated after cancelling the agreement from Contractor Mid Day Meal for Barari Block in the District Katihar.

(ii) To issue an appropriate writ, order, direction in the nature of mandamus commanding the respondent to refund the security money @ Rs. 50,000/- with interest to the petitioner forthwith.

(iii) To pass any order/s for which the petitioner is entitled in the eye of law.”

2. One of the contention raised by the petitioner is that the petitioner has been blacklisted for indefinite period and it is deprecated by the judicial pronouncements. It is further submitted that the present matter is covered by decision of this Court dated 08.05.2023 passed in the case of **Sanjay Kumar Jha Vs. State of Bihar and Ors.** passed in **C.W.J.C. No. 14699 of 2016.**

3. At this stage, learned counsel for the respondent seeks time to file counter affidavit.

4. Having regard to the contents of the blacklisting order read with earlier decision of this Court, we are of the view that it is not a case to warrant as to file counter affidavit.

4. Accordingly, the present matter is covered by the decision of this Court passed in the case of **Sanjay Kumar Jha Vs. State of Bihar and Ors.** passed in **C.W.J.C. No. 14699 of**



2016. Hence, impugned order of blacklisting dated 23.03.2023, passed in Memo No. 234 (Annexure-1), by Disterict Programme Officer, P.M. Poshan Yojana Katihar, stands set aside. The competent authority is at liberty to take fresh steps against the petitioner in the light of procedure mentioned in the Apex Court decision in the case of **UMC Technologies Private Ltd. v. Food Corporation of India & Another** (para nos. 13 and 14) reported in **2021 (2) SCC 551** and in the case of **Isolators and Isolators Vs. Madhya Pradesh Madhya Kshetra Vidyut Vitran Co. Ld. & Anr.**, reported in **2023 SCC Online Sc 444** (para 20), as well as the order of this Court (Supra).

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

6. Accordingly, the present writ petition stands allowed.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Amrendra/ashish
kr/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.07.2023
Transmission Date	

