

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18309 of 2018

Md. Irshad son of Luquman Resident of Village - Pareo, Police Station - Bihta, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Khadya Bhawan, Daroga Prasad Ray Path, R. Block, road No. 2, Patna 800001.
4. The Deputy Managing Director Transportation, Bihar State Food and Civil Supplies Corporation Ltd., Khadya Bhawan, Daroga Prasad Ray Path, R. Block, road No. 2, Patna 800001.
5. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. District Office, Gaya.
6. The Project Manager, 4G Identity Solutions, Khadya Bhawan, Daroga Prasad Ray Path, R. Block, Road No 2, Patna 800001.
7. The Members of District Transport Committee, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Respondent/s : Mr. S.Raza Ahmed, AAG-5

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

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

3 27-03-2023 In the instant petition, petitioner, has prayed for the following relief(s):-

“1. That this is an application for issuance of appropriate writ/writs, order/orders and direction/directions to quash the order dated 31-07-2018 contained in memo No. 818 passed by the District Manager, Bihar State Food & Civil Supplies Corporation, Gaya whereby (1.) agreement of the petitioner has been cancelled with effect from 01-8-18 (2) blacklisted debarred for 5 years and (3) forfeited the security deposits of Rs. 10 lacks Bank guarantee of



Rs. 20 lacks in very capricious manner which awarded the petitioner for contract of Transportation cum Handling Agent (Chief) and for direction upon the respondent No. 5 to start work of the petitioner after declaring the order impugned null and void and/or pass such other order(s) as your Lordships may deem fit and proper under the facts and circumstances of the case.”

Perusal of the records, it is evident that petitioner has been provided short notice of 24 hours. In other words, reasonable time has not been provided to furnish his reply to the show cause notice. On this score itself the petitioner has made out a *prima facie* case.

Accordingly, impugned order dated 31.07.2018 stands set aside while remanding the matter to the concerned authority. In the meanwhile, petitioner is hereby directed to furnish his detailed reply to the show cause notice within a period of two months from the date of receipt of this order. On receipt of petitioner's reply to the show cause notice, the concerned authority is hereby directed to pass a detailed speaking order after due consideration of each of the contentions to be raised by the petitioner against show cause notice.

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

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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