

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9050 of 2023

M/S Astric Computers (I) Pvt. Ltd. Located at 401, Samriddhi Complex, S.P.verma Road,P.O.-G.P.O, P.S.- Kotwali Patna-800001, Bihar Through Its Director Prabhat Kumar Sinha, Male, Aged About-54 Years, S/o Late Vidya Nand Singh, Resident Of Brindavan, Jagdeopath, Siddarth Apartment Lane, Rukanpura, P.O.- Bihar Veterinary College, P.s.-Hawai Adda,Bihar -800014.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna.
2. The Development Commissioner Cum Chairman Bihar Skill Development Mission Department Of Labour Resources, Govt. Of Bihar, A-wing,5th Floor,Niyojan Bhawan, Patna-800001
3. The Principal Secretary Cum CEO Bihar Skill Development Mission Department Of Labour Resources, Govt. Of Bihar, A-wing,5th Floor,Niyojan Bhawan, Patna-800001.
4. The Additional Chief Executive Officer, Bihar Skill Development Mission Department Of Labour Resources, Govt. Of Bihar, A-wing,5th Floor,Niyojan Bhawan, Patna-80001.
5. The Mission Director, Bihar Skill Development Mission Department Of Labour Resources, Govt. Of Bihar, A-wing,5th Floor,Niyojan Bhawan, Patna-800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Deo Prakash Singh, Advocate
For the Respondent/s	:	Mr.S.K. Mandal (SC 3)
		Mr. Bipin Kumar, AC to SC-3

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

Date : 03-08-2023

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

"(I) For issuance of writ in the nature of mandamus to directed the Respondents to quash the order of Temporary Blocking Course Allocation-KYP (Kushal Yuva Programme



Courses) communicated through e-mails, dated 21/03/2023 for the 8 blocks noted as under

S.No.	Block	District
1	Biharsharif Sadar	Nalanda
2	Dalsinghsarai	Samastipur
3	Madanpur	Aurangabad
4	Udwantnagar	Bhojpur
5	Athmalgola	Patna
6	Dighwara	Saran
7	Danapur	Patna
8	Sonepur	Saran
(additionally awarded on appreciation of good work)		

Without adherence to the principles of natural justice causing impairment of fundamental rights u/s 19(1)(g), 14 and 21 of the petitioner with the domino effect to the livelihood of more than 50 employees, idleness of more than 200 computers and a running loss of Rs. 10 Laksh on monthly basis at 8 KYP Centres due to the callous, capricious, abrupt and without jurisdictional action of the Respondent no. 4 suffering from the vice of unreasonableness with respect tot he Skill Development Centres.

(ii) For holding a declaration that the action of the blocking of the Course Allocation-KYP Courses since 21/03/2023 at subsisting centres of KYP skill training Classes at the 8 Skill Development by the Respondent authorities all of a sudden for the dream project of Govt. of Bihar "Arthik Hal Yuvayon Ko Bal" (Economic solution and enhancement of employability to youth) is squarely irrational and unfair without following the wednesbury principle of reasonableness which has been running successfully and with exemplary performance matrix under the valid Letter of Award (LOA) and the Agreements since 2016 (7 years).



(iii) For issuance of an appropriate writ in the nature of mandamus commanding the Respondents to unblock the course allocation-KYP Courses and allow the course allocation and admission of skill trainees with immediate effect, which has been blocked since 21/03/2023 without preceding any show cause, any proceeding, any personal hearing with respect to the LOA, dated 03/10/2016, 15/09/2016, 18/11/2016 for the 7 blocks plus one allotted on the basis of exemplary performance by the Letter of Award through e-mail, dated 26/07/2018 to the Petitioner and causing huge financial loss and hardship including idling of the men and machine due to this arbitrary and unreasonable action of the Respondents.

(v) For issuance of an appropriate writ in the nature of mandamus directing the Respondents to quash the order of debarment issued vide letter no. BSDM/Knowledge Partner-228/2022-712 Dated 26/05/2023 without jurisdiction and any provision in the RFP which is distinctly and specifically barred as per the provision at page no-5 of the RFP and clause 39, page 33 of the RFP for non-submission of bank guarantee without any cause of action.

(v) For issuance of appropriate writ directing the Respondents to suitably compensate the financial loss in the interregnum caused due to the arbitrary action of blocking the course allocation and admission to the Skill Development Centres of the Petitioner.

(vi) For the grant of interim relief of allowing the admission at the 8 Skill Development Centres under KYP Courses causing irreparable running loss and damage to the Petitioner.



(vii) For issuance of any other relief or reliefs for which the Petitioner may be found entitled to the facts and circumstances of the case."

2. One of the contention raised by the petitioner insofar as impugned action is that petitioner has not been heard in the matter. To overcome such contention learned counsel for the respondents relied on Letters dated 01.03.2023 (Annexure-B) read with 11.05.2023 (Annexure-P) annexed to counter affidavit filed on behalf of respondent no. 3 dated 20.07.2023.

3. Perusal of both the documents it is not evident that there was a proposal for closure of the petitioner's training centre. Therefore, learned counsel for the respondents' contention is hereby rejected. While drawing inference that petitioner has not been heard in the matter, it is to be noted that closure of the training centre would result in civil consequence like affecting livelihood of the petitioner. Therefore, the petitioner has made out a case.

4. Accordingly, the impugned orders dated 21.03.2023 stands set aside reserving liberty to the respondents to proceed in accordance with law after giving due notice and also hearing the petitioner. On receipt of petitioner's explanation on the notice to be issued by the respondents shall be considered within a period of two months from the date of such explanation.



4. With the aforesaid observations, the present writ petition stands allowed.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

