

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.90 of 2023

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Vishwajit Kumar, son of Shri Sachidanand Prasad Resident of Village-
Salalpur, P.O.- Sinwan, P.S.- Parwalpur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer affairs, Government of Bihar, Patna.
2. The Principal Secretary, Food and Consumer affairs, Government of Bihar, Patna.
3. The Bihar State Food and Civil Supply Corporation Ltd., through the Managing Director Khadya Bhavan, Daroga Prasad Rai Path, R Block, Road no.- 2, Patna- 800001.
4. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd., Khadya Bhavan, Daroga Prasad Rai Path, R Block, Road no.- 2, District- Patna.
5. The Headquarter Transport Samiti, Bihar State Food and Civil Supply Corporation, Patna-cum- Appellate Authority- through the Managing Director of the Corporation, Patna.
6. The Deputy General Manager (Transportation), Bihar State Food and Civil Supply Corporation Limited, Khadya Bhavan, Daroga Prasad Rai Path, R Block, Road no.- 2, Patna.
7. The District Manager (Transportation), Bihar State Food and Civil Supply Corporation Limited, District- Nalanda.
8. The District Magistrate Nalanda-cum- the Chairman, District Transport Committee, Nalanda.
9. The District Transport Committee, Nalanda, through its Secretary, Bihar State Food and Civil Supply Corporation Limited, Nalanda.
10. The District Manager-cum- Secretary, District Transport Committee, Nalanda.
11. The Superintendent of Police, Nalanda.
12. The Officer-In-Charge, Deep Nagar Police Station, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar Sinha, Adv.

Mr. Hans Raj, Adv.

For the Respondent/s : Mr. Shailendra kmar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL JUDGMENT



Date : 21-08-2023

Heard learned counsels for the parties.

2. The present writ petition has been filed for the following reliefs:-

- (i) For the issuance of a writ in the nature of writ of certiorari or any other appropriate writ or order or direction, quashing the order dated 15.11.2022 passed by the Appellate Authority, as communicated in memo no. 9551 dated 22.11.2022, issued under the signature of the Deputy General Manager, Bihar State Food Corporation Nalanda, Bihar, Patna, whereby the appeal memo filed by the petitioner has been dismissed on the ground that the police investigation is still continuing and as such any reasoned order on merits of the appeal can be passed only after result of police investigation.
- (ii) For the issuance of a writ in the nature of writ of certiorari or any other appropriate writ or order or direction, quashing the office order, as contained in memo no. 1616 dated 17.08.2022, issued under the signature of the District Manager, State Food Corporation Nalanda, whereby the petitioner has been blacklisted and restrained from transportation work from immediate work, apart from forfeiture of earnest money, security amount and the bank guarantee and the imposition of fine



which is five times the value of grains uploaded on the vehicle in question.

(iii) For the issuance of a writ in the nature of writ of certiorari or any other appropriate writ or order or direction, quashing the proceeding of meeting dated 13.08.2022 of the district transport Committee Nalanda, as communicated to the petitioners vide memo no. 1612 dated 17.08.2022, whereby a decision was taken by the District Transport Committee, Nalanda for black-listing of the petitioner and for forfeiture of the earnest money, security amount and bank guarantee and fine of five times value of the grains uploaded on the vehicle.

(iv) For the issuance of a writ in the nature of writ of mandamus or any other appropriate writ or order or direction, commanding the respondents to allow the petitioner to work as transport-cum-handling and delivery contractor (door step delivery) in the District of Nalanda.

3. Learned counsel appearing on behalf of the petitioner has stated that the only reason the impugned order has been passed is on account of lodging of an F.I.R. and besides the same there is no other reason has been assigned. Even though the learned counsel has stated that the petitioner has preferred an appeal, the appellate authority has not passed the order on



merits and rejected the appeal on the sole ground that an F.I.R. has been filed against the petitioner and the same is pending.

4. Learned counsel has stated that subsequently after the registration of the case, the police officials have already filed a final report and as per the final report, the name of the petitioner does not find place in the final report. Therefore, learned counsel for the petitioner has prayed for setting aside the impugned order.

5. Learned counsel has stated that the period of agreement between the parties expires in the month of September, 2023 and therefore, prays this Court to set aside the impugned order and directs the official-respondents to permit the petitioner to ply his vehicles as for the agreement.

6. Admittedly, a perusal of the impugned order shows that the petitioner was black-listed on the sole ground that the F.I.R. has been lodged against him. Both the Appellate as well as the Primary Authority have taken the same stand but as a matter of fact, the final report filed by the police officials have exonerated the petitioner and his name is not found place in the final report. Therefore, the impugned order has to be necessarily set aside. Moreover, as seen from the record, the petitioner has been blacklisted without putting him on show cause notice and



the same is against the principles of natural justice and equity,
on this ground also impugned order is liable to be set aside.

7. Having regard to the above, the impugned order is
set aside and the official-respondents are directed to permit the
petitioner to ply his vehicles as per the terms and conditions of
the licence agreement.

8. With the above observations, the present writ
petition stands allowed.

(A. Abhishek Reddy , J)

shakir/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2023
Transmission Date	NA

