

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Writ Petition No.149 of 2021**

Chandrakant Krushnarao Bhoyar,  
Aged about 49 years,  
Occu. Contractor,  
R/o Rampuri Ward, Gadchiroli,  
Ta. & Dist. Gadchiroli.

... Petitioners

Versus

- 1) State of Maharashtra,  
through it's Secretary,  
Rural Development and Water  
Conservation Department,  
Mantralaya, Mumbai.
- 2) The Chief Executive Officer,  
Z.P. Gadchiroli  
[ceozpgadchiroli@redifmail.com](mailto:ceozpgadchiroli@redifmail.com)
- 3) Executive Engineer,  
Rural Water Supply Department,  
Z.P. Gadchiroli  
[eebnagadchiroli@redifmail.com](mailto:eebnagadchiroli@redifmail.com)

... Respondents

Shri Vijay Morande, Counsel for Petitioner.

Shri A.S. Fulzele, Additional Government Pleader for Respondent No.1.

Smt. M.P. Munshi, Counsel for Respondent No.2.

**CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.**

**DATE : APRIL 10, 2023.**

**ORAL JUDGMENT (PER A.S. CHANDURKAR, J.) :**

1. Rule. Rule made returnable forthwith and heard the learned counsel appearing for the parties.

2. The challenge raised in this writ petition is to the order dated 22-5-2020 passed by the respondent No.2-Chief Executive Officer, Zilla Parishad, Gadchiroli, blacklisting the petitioner for an indefinite period and dependent upon the conclusion of the proceedings pending before the District and Sessions Court, Gadchiroli, pursuant to registration of the First Information Report against the petitioner.

3. The learned counsel for the petitioner submits that the action of blacklisting has been taken pursuant to an audit report received by the Zilla Parishad. Though the Zilla Parishad issued two notices to the petitioner on 17-4-2020 and 30-4-2020, in view of the lock-down that was prevailing the petitioner could not file the satisfactory reply to the said notices. One such reply was given to the notice that was served on the petitioner through WhatsApp. This reply is dated 2-5-2020. The learned counsel for the petitioner further submits that thereafter the petitioner has obtained additional documents to demonstrate that the alleged figures of misappropriation are different and the figures quoted in the audit report could not have been relied upon only for blacklisting the petitioner. He further submits that since passing of the order of blacklisting on 22-5-2020, the petitioner has suffered the same for almost three years. He thus submits that the order of blacklisting is liable to be set aside.

4. The learned counsel for the Zilla Parishad supported the impugned action. It is submitted that after issuing two notices to the petitioner, the impugned order came to be passed. In view of the audit report as received, the action of blacklisting taken is justified and there being no breach of the principles of natural justice, no interference is called for.

5. On hearing the learned counsel for the parties, we find that though the petitioner was issued two notices on 17-4-2020 and 30-4-2020 to which he replied on 2-5-2020, there was no opportunity of personal hearing granted to the petitioner. The petitioner seeks to rely upon various documents to support his stand that there was no misappropriation as alleged. Even the figures mentioned in the audit report are sought to be disputed on the basis of other documentary material. Coupled with the aforesaid aspects, the period of almost three years has lapsed since passing of the impugned order.

6. In these facts, in our view, the interest of justice would be served if reasonable opportunity is granted to the petitioner to meet the contents of the notices dated 17-4-2020 and 30-4-2020 by filing an additional reply along with the documents on which he desires to rely. After considering all the aforesaid material and hearing the petitioner, the respondent No.2-Chief Executive Officer shall pass separate order as to whether the action of blacklisting is required to be taken against the petitioner. While doing so, the fact that the petitioner was on the blacklist for a period of almost three years shall be kept in mind.

7. To enable the respondent No.2-Chief Executive Officer to consider the aforesaid aspects, the petitioner shall within a period of three weeks from today file an additional reply to the notices dated 17-4-2020 and 30-4-2020. The Chief Executive Officer shall thereafter within a period of four weeks pass a fresh order

in accordance with law. The observations made hereinabove shall be kept in mind by the Chief Executive Officer while passing a fresh order.

8. With the aforesaid directions, the writ petition is allowed. The order dated 22-5-2020 passed by the respondent No.1-Chief Executive Officer, Zilla Parishad, Gadchiroli is set aside to enable him to pass a fresh order in accordance with law.

9. Rule accordingly. No order as to costs.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR