

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6216 of 2022**

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Md. Shamsh Tabrez Khan Son of Md. Ashique Bari Khan Resident of  
Mohalla-Kaji, P.S. Sherghati, District-Gaya, Bihar-824211.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Transport Department.
2. The State Transport Authority, Bihar, Patna through its Secretary, Office  
Situating at Visheshwaraiya Bhawan, Bailey Road, Patna.
3. The Chairman, State Transport Authority, Bihar, Patna office Situated at  
Visheshwaraiya Bhawan, Bailey Road, Patna.
4. Sunil Kumar Singh Son of Sri ram Prawesh Singh, Resident of Village-  
Sudibigha, P.O. and P.S.-Deo, District-Aurangabad.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rashid Izhar  
For the Respondent/s : Mr. Raghwendra Kumar ( Sc 22 )

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**CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY**  
**ORAL JUDGMENT**

**Date : 03-12-2024**

Heard the learned counsel for the parties.

The present writ petition has been filed for the following

reliefs:-

“For issuance of Writ or Writs in the nature of Certiorari quashing the the Blacklisting/ Permanent Debarment Order dated 28.07.2021 (signed on 19.08.2021 and issued on 23.08.2021 vide Memo No. 5177) and the Order dated 27.12.2021 passed by the State Transport Appellate Tribunal, Bihar, Patna in Transport Appeal No. 09 of 2021, upholding the such action against the Petitioner which was taken by the Transport Respondents for filing an Objection Application for grant of Permit in name of Respondent No. 4, on wrong eligibility criteria.

Issuance of writ or writs directing the Respondent Transport Authority to allow the Petitioner to file Applications for grant of Permit on the next advertisement for grant of Permit and also



accept the countersign of the Petitioner on the future Permit, if granted, in favour of the Petitioner and not to give effect to the blacklisting/debarment any further.

Grant such other relief or reliefs to which the petitioner may be entitled in the facts and circumstances of this case.

”

3. This Court *vide* order dated 22.10.2024 in CWJC No. 6459 of 2022 with analogous case under similar circumstances has allowed the writ petitions filed by the petitioners therein. The facts in that particular case and in this case are identical. In this particular case also, the petitioner has filed his complainant against the respondent No. 4 and along with the objection petition, the petitioner has filed the photocopy of the *challan* which admittedly has been annexed to another complaint. The Court after going through the pleadings has come to the conclusion that the order of black-listing was too harsh and the same without issuing any show cause notice to the petitioner and that there was no provision for black-listing the petitioner even if there was any lapses on his part. The Court in CWJC No. 6459 of 2022 with analogous case relying on the judgments of the Hon'ble Supreme Court in ***Erusian Equipment of Chemnicals Ltd. etc. v. State of West Bengal and Anr.***, reported in ***AIR 1975 SC 266***, ***Raghunath Thakur v. State of Bihar and Ors.***, reported in ***Air 1989 SC 620*** and in ***S.N. Mukherjee v. Union of India***, reported in ***AIR 1990 SC 1984***.



4. As seen from the record in this particular case, the petitioner has not been put on prior notice before the order of black-listing has been passed. Further, the impugned order does not reveal under what provision of law, the authorities have passed the order of black-listing. Further, it is to be noted that in case the objection petition made by the petitioner was defective i.e. not enclosing the *challan* of Rs. 1000/-, the authority could have simply rejected the application, but for reasons best known to them, they have come to the conclusion that the petitioner is trying to defraud the authorities of Rs. 1000/-. Had the petitioner been put on prior notice, it could have come to their knowledge that the petitioner has actually taken two *challans* and the said two *challans* were annexed to only one objection petition. Therefore, the conclusion reached by the authorities that the petitioner is trying to defraud the authorities of Rs. 1000/- is without any basis. As held by the Hon'ble Supreme Court, the punishment of blacklisting is a very harsh punishment having serious civil and financial consequences, only if the allegations against a particular person are very serious in nature then only the punishment of black-listing can be passed. But in this particular case the authorities without any verification of the objection petition made by the petitioner have black-listed the petitioner that to without



putting him on show cause notice. That the said action is opposed to the principles of natural justice and equity. On this ground alone, both the orders dated 28.07.2021 passed by the primary authority and dated 27.12.2021 passed by the appellate authority are liable to be set aside and accordingly set aside, the petitioner shall be allowed to participate in any future contracts floated by the authority without any impediment.

5. With the above direction, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

Ayush/-

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