

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6411 of 2023

Paridhi Bharti, Ward No.-17, House of Rajkishori Singh, Punjabi Muhalla, Lakhisarai Having Head office at Madhurya Loka, Ambe Nagar, Ratanpur, Bishnupur, Begusarai Being represented through its Secretary-Cum-Project Director Pinky Kumari @ Pinky Devi, aged about-49 Years, Gender-Female, W/o Sri Shambhu Singh, resident of Ward no.-6, Near Hanuman Mandir, Paschim Tola, Kesabe, Begusarai-851134.

... .. Petitioner/s

Versus

1. The State of Bihar represented through Additional Chief Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
2. The Project Director, Bihar State AIDS Control Society (BSACS), State Institution of Health and Family Welfare Building, Sheikhpura, Patna.
3. The Assistant Project Director, Bihar State AIDS Control Society State Institution of Health and Family Welfare Building, Sheikhpura, Patna.
4. The Joint Director, Finance, Bihar State AIDS Control Society State Institution of Health and Family Welfare Building, Sheikhpura, Patna.
5. The Team Leader/Prevention Specialist-TI, Technical Support Unit, Bihar State AIDS Control Society State AIDS Control Society, State Institution of Health and Family Welfare Building, Sheikhpura, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Avinash Kumar, Adv. Mr. Ajay Kumar Mehta, Adv. Mr. Kumar Satyam, Adv.
For the Respondent/s	:	Mr.S.D. Yadav (AAG 9) Mr. B. B. Mishra, AC to AAG 9
For the Respondents/BSACS		Mr. Suraj Samdarshi, Adv. Mr. Prince Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

13 17-12-2024

Heard learned counsel for the parties.

2. The present writ petition has been filed for the
following relief(s):-

*“I. For issuance of appropriate Writ/Writs,
direction/directions in the nature of Certiorari
setting aside the decision contained in letter no.-*



570 dated 14.10.2022 issued by the Project Director, Bihar State AIDS Control Society (BSACS) by which the contract awarded to the petitioner Society has been terminated with effect from 01.10.2022 contrary to the terms of Agreement and as also ignoring the performance score obtained from NACO' Grading as well as from BSACS' Evaluation stipulated in terms of contract.

II. For quashing the advertisement notice vide Advt. No.- 4/2022-23 qua inviting applications for selection of TIs for Lakhisarai and Shekhpura during the pendency of present petition.

III. For issuance of an appropriate direction to the respondent authorities to dispose of the application filed by the petitioner, invoking Clause-15 of the Agreement, by constituting Grievance Redressal Cell (GRC)/Technical Review Committee (TRC) in terms of clause-15 of the Agreement.

IV. Further be pleased to direct the respondents to make payment against the expenditure incurred in having furthered the cause of State Government assigned through its adjunct being "Bihar State AIDS Control Society", for implementation of Targeted Interventions, in league with the Original Agreement signed by the " Bihar State AIDS Control Society with the Petitioner's Society" besides, to consider



renewal/extension of the period of work order commencing from 01.04.2023 to 31.03.2024 in light of the guidelines and the basis of the report of Evaluation Committee of National AIDS Control Organization (NACO).

V. For grant of any other relief/reliefs for which the petitioner is legally entitled and the Hon'ble Court deems appropriate and necessary in this case.”

3. Learned counsel appearing on behalf of the petitioner has stated that the impugned order is passed without adverting to the detailed reply given by the petitioner to the show cause notice. Learned counsel has further stated that the authorities without going through the explanation submitted by the petitioner has simply stated that the explanation submitted by the petitioner is not satisfactory. Learned counsel has therefore prayed this Hon'ble Court to set aside the impugned order and remand the matter back to the authority concerned for passing orders afresh duly taking into consideration the explanation submitted by the petitioner.

4. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the order passed by the authority concerned is well



reasoned order and does not call for any interference by this Court. Learned counsel has further stated that as the petitioner's explanation was not found satisfactory the authorities had necessarily rejected the same and passed the impugned order. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present Writ Petition.

5. A perusal of the impugned order passed by the authorities reveals that except stating that the explanation submitted by the petitioner is not satisfactory, the authorities has not adverted to the reply to the show cause. This Court as well as the Hon'ble Supreme Court in a catena of cases has time and again held that authorities while passing the order should give reasons for either rejecting or accepting the representation.

In S.N. Mukherjee v. Union of India, reported in **AIR 1990 SC 1984**, the Supreme Court has held as under;

“In view of the expanding horizon of the principles of natural justice, the requirement to record reason can be regarded as one of the principles of natural justice which govern exercise of power by administrative authorities....

Therefore except in cases where the requirement has been dispensed with expressly or by necessary implication, an administrative authority exercising judicial or quasi-judicial functions is required to record its reasons for its decision.

What is necessary is that the



reasons are clear and explicit so as to indicate that the authority has given due consideration to the points in controversy. The need for recording of reasons is greater in a case where the order is passed at the original stage.”

6. Having regard to the above, the impugned order dated 14.10.2022 is set aside. The matter is remanded back to the authorities concerned for passing the orders afresh duly taking into consideration the explanation submitted by the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order.

7. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the parties. In case the claim of the petitioner is found to be genuine, the authorities shall take necessary steps for making payment of the amounts due to the petitioner. In case the claim of the petitioner is rejected, the authority shall give the reasons for rejection.

8. With the aforesaid directions, the present Writ Petition stands disposed of.

Bhardwaj/-

(A. Abhishek Reddy , J)

U			
---	--	--	--

