

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9109 of 2024

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Rishi Raj S/o Ashok Kumar, R/o village- Pachra-Gote, P.S.- Hiramma,
District- Sheohar. Petitioner/s

Versus

1. The State of Bihar
2. Managing Director, Bihar State Food and Civil Supplies Corporation Ltd.,
Khadya Bhawan, Daroga Rai Path No.2, Patna-1
3. The District Magistrate cum Chairman District Transport Committee,
Motihari.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd,
Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binay Kumar, Advocate Mr. Alok Ranjan, Advocate Mr. Avinash Gaurav, Advocate
For the State	:	Government Advocate (8)
For the B.S.F.C	:	Mr. Anjani Kumar, Sr. Advocate Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-07-2024

1. The petitioner is concerned with the punitive orders issued by the District Transport Committee as per Annexure P/4. The order indicates that the agreement entered into by the petitioner for doorstep delivery produced as Annexure P/1 has been cancelled, he has been blacklisted for next five years, his vehicles barred from being used in any kind of transportation of the Corporation's goods and forfeiture of security deposit too has been effected. The contention of the petitioner is that he was



not noticed with respect to the various punitive actions taken against him.

2. The petitioner entered into a doorstep delivery agreement as per Annexure P/1 on 13.07.2021 which was valid for three years, upto 13.07.2024. At the fag end of the agreement period, the petitioner was issued with a notice by the District Manager of the Bihar State Food & Civil Supplies Corporation Ltd., Motihari (for brevity 'the Corporation') which is produced as Annexure P/2. In that, certain allegations were raised and the petitioner was asked to show cause as to why recommendation should not be given to the District Transport Committee, Motihari to blacklist the petitioner. Pursuant to that Annexure P/3 and P/4 orders were passed.

3. The learned Senior Counsel, Mr. Anjani Kumar appearing for the Corporation submits that the procedure is insofar as the show cause notice being issued by the District Manager and the responses received to the show cause notice being placed along with the show cause notice before the District Transport Committee. Hence, there can be no violation of Principles of Natural Justice alleged.

4. Even if we accept the contention of the Corporation, we see that the Annexure P/2 only spoke of



blacklisting whereas Annexure P/4 has other punitive consequences on the petitioner.

5. Annexure P/4 and P/8 orders would stand set aside on the ground of violation of principles of natural justice. The respondent Corporation is given liberty to issue a show cause notice on all grounds including blacklisting within a period of two weeks. The petitioner shall be afforded two weeks’ time to file objections and the matter shall be heard after affording an opportunity of personal hearing and a speaking order passed.

6. Learned counsel for the petitioner submits that Annexure P/5 is relevant to the matter and the District Transport Committee may also give due weight to it. The petitioner would be entitled to take the contention before the authorities when he files his response to the show cause notice, directed to be issued.

7. We make it clear that we have not made any observation on the merits of the matter.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	
CAV DATE	
Uploading Date	09.07.2024
Transmission Date	

