



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2764 OF 2024

Sachidanand Babasaheb Khandekar .. Petitioner

versus

The State of Maharashtra & others .. Respondents

Mr. R. R. Imale, Advocate holding for Mr. S. G. Jadhavar, Advocate
for the Petitioner.

Mr. R. S. Wani, AGP for the State.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 12th MARCH, 2024.

PER COURT :

1. The Petitioner has put forth prayer clauses 'B' and 'C' as
under :-

B. By issuing writ of certiorari or any other appropriate writ, order, or direction in the like nature, the impugned order vide its No. JUS/DSAO/BLACK LIST/KV/2020 531 dated 03-02-2021 passed by the respondent No. 2 place the name of petitioner on black list may kindly be quashed and set aside to the extent of petitioner in the interest of justice pass necessary order.

C. Pending the hearing and final disposal of this writ petition the impugned order vide its No. JUS/DSAO/BLACK LIST/KV/2020 531 dated 03-02-2021

passed by the respondent No. 2 place the name of petitioner on black list may kindly be stayed in the interest of justice pass necessary order.

2. The impugned order dated 3rd February, 2021 results in placing the Petitioner in the black list. In similar matters, this Court (Coram : Nitin W. Sambre & S. G. Chapalgaonkar, JJ) has passed an order on 29th March, 2023 in Writ Petition No. 2901/2022 (Sanjay Narayanrao Tandale and another vs. The State of Maharashtra & others).

3. It is undisputed that the Petitioner has been blacklisted on the allegation that he has failed to execute the work and has also committed misappropriation of the public funds/properties. It is equally undisputed that the Petitioner was not issued with any notice for granting an opportunity of hearing before the impugned order, blacklisting the Petitioner, was passed.

4. The learned AGP has tried to support the impugned order on the basis of the report of the Vigilance Committee, which finds a reference in the impugned order.

5. The issue of blacklisting an entity and restraining it from executing public works under various schemes of the Government, is prejudicial to the interest of such entity. It has drastic consequences and such orders cannot be passed without adhering to the principles of natural justice. The law laid down by the Hon'ble Supreme Court in **M/s Erusian Equipment and Chemicals ltd. Vs. State of West Bengal and another, AIR 1975 SC 266**, would apply to this case.

6. In view of the above, **this Writ Petition is partly allowed**. The impugned order is set aside to the extent of the present Petitioner. The Collector/Chairman of the 'Jalyukta Shivar Samiti' would be at liberty to initiate fresh action by following the due procedure laid down in law, and by affording a reasonable opportunity of hearing to the Petitioner.

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

dyb