

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9770 of 2025

M/S R K Tech a proprietorship firm, having its registered office at NH-28 A, Bankat Bairiya, P.S.- Muffasil, P.O- Motihari, District-East Champaran- 845401 through its proprietor Mr. Raj Kumar Tripathi (male), aged about 45 years, Son of Ram Babu Tripathi, resident of Rajpur, Rajpur, P.O- Rajpur, P.S.- Kesaria, District- East Champaran, Bihar- 845432.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Election Department, Government of Bihar, Patna.
2. The Principal Secretary, Election Department, Government of Bihar, Patna.
3. The Chief Electoral Officer, Bihar, Patna.
4. The Special Secretary-cum-Additional Chief Electoral Officer, Bihar, Patna.
5. The District Election Officer-cum-District Magistrate, Samastipur, Bihar.
6. The Deputy Election Officer, Samastipur, Bihar.
7. The Sub-Divisional Officer-cum-Electoral Registration Officer of 131 Kalyanpur, Samastipur, Bihar.
8. The District Purchase Committee in relation to P.R. No.019820 (Election) 2023-24, through its Chairman District Election Officer-cum-District Magistrate, Samastipur, Bihar.
9. The District Information Officer, Samastipur, Bihar.
10. Sri Roshan Kushwaha, Official address- Office of District Collector- Cum-District Magistrate, First Floor, Collectorate, Samastipur, Bihar.
11. M/s Maa Durga Printers, Aurangabad, a partnership firm through its authorized partner namely not known to the petitioner, having its registered office at Brahmarshi Chowk, Club Road, Shri Krishna Nagar Road, Aurangabad, Bihar- 824101.

... .. Respondents.

Appearance :

For the Petitioner	:	Mr. P.N. Shahi, Senior Advocate. Ms. Riya Giri, Advocate.
For the State	:	Mr. P.K. Shahi, Advocate General. Mr. Vikash Kumar, Advocate.
For ECI	:	Mr. Siddhartha Prasad, Advocate.
For Respondent No.11	:	Mr. Dinu Kumar, Advocate. Mr. Vardaan Mangalam, Advocate. Ms. Himja G. Singh, Advocate.

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 15-09-2025

In the instant writ petition, the petitioner has prayed



for the following relief(s):

“ i) To issue a writ/order/ direction in the nature of certiorari to set aside order contained in Memo No. 674 dated 21.05.2025 issued under the signature of Deputy Election Officer, Samastipur by which the agreement dated 06.04.2024 of the petitioner has been terminated.

ii) To produce and set aside order dt. 20.05.2025 file no. V-5/2023-25 of District Election Officer-cum-District Magistrate, Samastipur by which approval for termination of agreement of the petitioner dated 06.04.2024 has been given.

iii) To issue a writ/order/ direction in the nature of certiorari to set aside order contained in Memo no. 693 dated 22.05.2025 issued under the signature of the District Election Officer-cum-District Magistrate, Samastipur, by which the petitioner has been debarred/ restrained from work of voter list in Samstipur District for one year from the date of issuance of order.

iv) To hold and declare that the order of termination of agreement contained in Memo No. 674 dated 21.05.2025 is wholly without jurisdiction as none of the terms of the agreement has been violated empowering the respondent authorities to take such punitive action against the petitioner.



v) To pass interim / ex-parte interim order staying the operation of order contained in Memo No. 674 dated 21.05.2025 issued under the signature of Deputy Election Officer, Samastipur on behalf of District Election Officer-cum-District Magistrate, Samastipur by which the agreement dated 06.04.2024 has been terminated and staying operation of order contained in Memo no. 693 dated 22.05.2025 issued under the signature of the District Election Officer-cum-District Magistrate, Samastipur, by which the petitioner has been debarred/ restrained from work of voter list in Samstipur District for one year from the date of issuance of order contained in Memo no. 674 dated 21.05.2025 and/or no re-tender be issued for the work of agreement dated 06.04.2024, during the pendency of writ application.

vi) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.

1(vii) To pass appropriate writ order direction in the nature of certiorari for quashing of the Short Term Tender Notice dated 04.06.2025 issued under the signature of District Election Officer-cum- District Magistarte, Samastipur, Bihar, any consequent action thereto.

1(viii) To produce and set aside the work order and agreement in relation to Short Term



Tender Notice dated 04.06.2025 issued under the signature of District Election Officer-cum-District Magistrate, Samastipur, Bihar.”

2. The petitioner failed to complete the work which was allotted read with the agreement entered among the respective parties. In this regard, show cause notice was issued on 05.05.2025 for which the petitioner had submitted reply on 10.05.2025. Thereafter, final order was passed on 21.05.2025 vide Annexure-P24 to the writ petition by which petitioner's contract was terminated followed by debarment for a period of one year vide Annexure-P26 dated 22.05.2025 to the writ petition.

3. Perusal of the show cause notice read with the petitioner's reply and consequential action of terminating the contract read with the debarment, it is crystal clear that the concerned authority/author of the Annexures-P24 and P26 have not appreciated the gist of the show cause notice read with the petitioner's reply to the show cause notice and there is a total non-consideration of the petitioner's grievance. In fact, there is no show cause notice for certain action to be taken. In other words, without providing show cause notice, impugned actions have been taken on certain issue. The author of Annexures-P24



and P26 is exercising quasi judicial function and his actions have civil consequences on the petitioner. In such an event, time and again Courts have held that minimum requirement of hearing the concerned person. In this regard, a detailed Judgment has been rendered by the Hon'ble Supreme Court in the case of **ORYX Fisheries Private Limited Versus Union of India and others**, reported in **(2010) 13 Supreme Court Cases 427**. Paragraph-40 of the same reads as under:

“40. In *Kranti Associates* [(2010) 9 SCC 496 : (2010) 3 SCC (Civ) 852] this Court after considering various judgments formulated certain principles in SCC para 47 of the judgment which are set out below : (SCC pp. 510-12)

“(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative



power.

(e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.

(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

(g) Reasons facilitate the process of judicial review by superior courts.

(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both



judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or 'rubber-stamp reasons' is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in *Defence of Judicial Candor*(1987) 100 Harv. L. Rev. 731-37.)

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain [(1994) 19 EHRR 553] , EHRR at p. 562, para 29 and Anya v. University of Oxford [2001 EWCA Civ 405 : 2001 ICR 847 (CA)] , wherein the Court referred to Article 6 of the European Convention of Human Rights which



requires, 'adequate and intelligent reasons must be given for judicial decisions'.

(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of 'due process'."

Taking note of the principles laid down in the aforementioned decision, the petitioner has made out a case so as to interfere with Annexures-P24 and P26 dated 21.05.2025 and 22.05.2025 respectively and they are set aside.

4. The matter is remanded to the concerned authority to proceed afresh by issuing a fresh detailed show cause notice and seeking petitioner's explanation and thereafter proceed to pass detailed and speaking order. The above exercise shall be completed within a period of three months from the date of receipt of this order.

5. At this stage, the learned Advocate General, appearing for the State, on instructions submitted that after termination of contract of the petitioner, third party right has created and the remaining work has been allotted and it was executed. Therefore, the third party right has already accrued. Be that as it may, the same shall be taken note of by the



concerned authority.

6. Accordingly, instant writ petition stands disposed
of.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.09.2025.
Transmission Date	NA

