

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15936 of 2025

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M/s Shubh Laxmi Tent House through its Proprietor Sanjay Kumar Jaiswal, Male, aged about 50 years, Son of Sri Shashi Bhushan Jaiswal, Permanent resident of Shushil Sadan, Chandani Chowk, Sharda Nagar, Ward No. 27/34, P.S. Saharsha, District Saharsa, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The State Election Commission, Bihar, Patna.
3. The District Election Officer Cum District Officer, District Samastipur, Bihar.
4. The Deputy Development Commissioner Cum Deputy Election Officer, District Samastipur, Bihar.
5. The Block Development Officer, Rosara, District Samastipur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Advocate
For the State	:	Mr.Government Advocate (11)
For the Election Commission	:	Mr.Ravi Ranjan, Advocate
		Mr.Girish Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-09-2025

In the instant writ petition, petitioner has prayed for the following relief(s):

“i) Quashing of the Order bearing Memo No. 1027 dated 09.07.2025 by which, the District Election Officer Cum District Officer, Samastipur without considering the Show Cause Reply filed by the petitioner and without any authority has proceeded to blacklist the petitioner firm for a period



of one year for the allegation of lack of expertise and satisfactory completion of the work awarded to the petitioner;

(ii) Restraining the Respondents from giving effect to and taking any coercive action in connection with Order bearing Memo No. 1027 dated 09.07.2025 during the pendency of the present writ application and/or the without the leave of this Hon'ble Court.”

2. Perusal of the blacklisting order, it is crystal clear that it is not a speaking or reasoned order so as to affirm. Respondents are exercising *quasi judicial* function insofar as blacklisting Contractors. In such an event, they are bound to follow the certain principles laid down by the Hon'ble Supreme Court in paragraph-40 in the case of **ORYX Fisheries Private Limited Versus Union of India and Others**, reported in (2010) 13 Supreme Court Cases 427. Paragraph-40 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’.”

In the light of the aforementioned principles, the respondents have not adhered to the principles while ordering blacklisting. Accordingly, the petitioner has made out a case so as to interfere with the blacklisting order dated 09.07.2025 (Annexure-P/6 to the writ petition), it is set aside.

3. The matter is remanded to the concerned authority to pass a fresh order, after providing opportunity of hearing to the petitioner and to proceed to pass a reasoned and speaking order. The concerned authority is hereby directed to take note of the principles laid down by the Hon’ble Supreme Court in the



aforementioned decision and pass orders within three months from today.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

abhishek/gaurav

AFR/NAFR	NAFR
CAV DATE	27.09.2025
Uploading Date	NA
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