

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17188 of 2024

=====

M/s Poorva Graphics and Offset Printers through its Managing Director, Sunil Agarwal, aged about 54 years, son of Bhagwan Agrawal, resident of mohalla-B- 660- Kamla Nagar, P.S.- Kamla Nagar, District- Agra, (Uttar Pradesh), PIN- 282005.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Bihar, Patna, PIN- 800022.
2. The Magadh University, Bodh Gaya, through its Registrar.
3. The Vice Chancellor, Magadh University, Bodh Gaya, District- Gaya.
4. The Chancellor, Universities of Bihar - cum - Governor, Bihar.

... .. Respondents.

=====

Appearance :

For the Petitioner	:	Mr. Ajay Prasad, Advocate.
For the State	:	Mr. Mujtabaul Haque, GP-12.
For Chancellor	:	Mr. Sajid Salim Khan, Senior Advocate.
For Magadh University	:	Mr. Sunit Kumar, Advocate.

=====

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

Date : 09-09-2025

Supplementary counter affidavit filed on behalf of the
Respondent No.4 is taken on record.

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

“(i) For quashing the letter bearing letter
No.MU-18/2020-686/GS(I) dated 15.05.2023
issued by the Respondent No.1, Principal Secretary
to Governor, Governor’s Secretariat, Raj Bhawan,
Patna whereas the petitioner firm has been
blacklisted as well as issued a direction “must be



adhered to strictly” by H.E. Governor-cum-Chancellor with immediate effect, without any show cause notice issued by the respondent authority, without given an opportunity for hearing and it is violated the principle of natural justice.

(ii) For stay the operation of letter No.MU-18/2020-686/GS(I) dated 15.05.2023.

(iii) For grant of any other relief/reliefs to which the petitioner may be found entitled to in the interest of justice.”

3. 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 while ordering blacklisting. Accordingly, the petitioner has made out a case so as to interfere with the blacklisting order dated 15.05.2023 (Annexure-P/1 to the writ petition). It is set aside.

4. 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, ACJ)

(Alok Kumar Sinha, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2025.
Transmission Date	NA

