

(2020) 02 PAT CK 0341

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 2006 Of 2020

M/S Aryabhat Computers

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 26-02-2020

Acts Referred:

Citation : (2020) 02 PAT CK 0341

Hon'ble Judges : Ashutosh Kumar, J

Bench : Single Bench

Advocate : Mrigank Mauli, Prabhat Ranjan, Kumar Ravish, Saket, Nagendra Pd. Yadav, Kishun Kumar Sinha

Final Decision : Disposed Of

Judgement

1. The petitioner/Ms Aryabhat Computers was permanently blacklisted vide order dated 01.09.2018. This led to the filing of C.W.J.C. No. 20595 of 2018 and this Court, on finding that the order of blacklisting was absolutely without any reason and did not contain any statement giving any impression of the author of the order having adverted to the reply preferred by the petitioner, set it aside by order dated 23.04.2019 and directed the Civil Surgeon-cum-Chief Medical Officer, Gaya to consider the reply of the petitioner and take a fresh decision within a period of ninety days from the date of production of a copy of that order.

2. The aforesaid remission of the case was not without clearly intimating the grounds for passing a reasoned order. Relevant paragraph of a decision of the Supreme Court in M/s Kulja Industries Ltd. Vs. Chief Gen. Manager, W.T. Proj., BSNL; AIR 2014 SC 9 was quoted in the order, highlighting the necessity of adherence to the principle of natural justice before blacklisting any entity. The Supreme Court in the aforesaid case had declared that blacklisting has the effect of preventing a person from the privilege and advantage of entering into lawful relationship with the government for the purposes of gains. The fact that a disability is credited by the holder of blacklisting indicates that the relevant authority is to have an objective satisfaction. Fundamentals of fair play, it was

reiterated by the Supreme Court, require that the person concerned ought to be given an opportunity to represent his case before he is put on the blacklist.

3. Despite such clear orders of this Court, the Civil Surgeon-cum-Chief Medical Officer, Gaya has again passed a cryptic/laconic order, blacklisting the petitioner permanently.

4. Apart from bringing complete disadvantage to the petitioner, the manner in which the order has been passed by the Civil Surgeon-cum-Chief Medical Officer reflects a complete disregard to the elements of law while discharging his function as an authority. Apart from this, the concerned officer has shown complete disregard to this Court in recalcitrantly passing an order of the same nature which did not find favour with this Court in the past. Such orders not only cause lack of satisfaction with respect to probity in matters of administration, but also unnecessarily clogs the judicial system and such orders have only led to the docket explosion in any Court of law.

5. This seriousness of this matter requires an immediate attention.

6. The order dated 16th of December, 2019, contained in Memo No. 5026, is set-aside.

7. The matter is remitted to the Civil Surgeon-cum-Chief Medical Officer, Gaya to write out a fresh order with reasons in accordance with law within a period of fifteen days, to be counted from the date of receipt/production of a copy of this order.

8. Let a copy of this order be also sent to the Health Secretary, Govt. of Bihar, Patna and the Chief Secretary, Govt. of Bihar, Patna as also to the Minister for Health and Family Welfare, Govt. of Bihar.

9. The Secretaries are expected to take cognizance of the matter and seek explanation from the concerned officer as to why he has repeatedly passed this kind of an order despite clear instructions from the Court.

10. Let a report by the Health Secretary, Govt. of Bihar, Patna in this regard be furnished before this Court within a period of four weeks from the date of receipt/production of a copy of this order.

11. The writ petition stands disposed off accordingly.