
(1988) 11 SC CK 0028

In the Supreme Court Of India

Case No : Civil Appeal No. 4031 of 1988

Raghunath Thakur

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 08-11-1988

Acts Referred:

Citation : AIR 1989 SC 620 : (1989) 37 BLJR 529 : (1988) 4 JT 728 : (1989) PLJR 17 : (1988) 2 SCALE 1326 : (1989) 1 SCC 229 : (1988) 3 SCR 867 Supp : (1989) 1 UJ 6

Hon'ble Judges : Sabyasachi Mukherjee, J;S. Ranganathan, J

Bench : Division Bench

Advocate : R.K. Jain, R.P. Singh and Y.D. Chandrachud, for the Appellant;
U.S.Prasad, for the Respondent

Final Decision : Disposed Of

Judgement

Sabyasachi Mukharji, J.—Special leave granted.

2. The order dated 25th March, 1988 of the Collector is under challenge in this appeal. The same reads as follows:

Shri Raghu Nath Thakur S/o Late Gorakh Thakur, Village Repura, P.S. Puksha, District Samastipur had bid for Rs. 11,900 (Rupees eleven thousands only) per month Dak in an auction of Beni Country liquor shop held on 27.3.88 and he as given the shop of Beni Country liquor but after signing in Bandobasti Register he did not deposit dak amount.

The name of Shri Raghu Nath Thakur S/o Late Gorakh Nath Village Repura, P.S. Pusa, Distt. Samastipur is therefore placed in the black list for future under the orders passed by the Collector, Samastipur.

3. This order was passed pursuant to the order of the Collector. The letter dated 25th March, 1988, states as follows:

The Collector of the district after perusal of the said office note passed order on

25.3.88 which is produced in verbatim below:

Ist bidder chunki defaulter hai atah security prapt kar len tatha bhavishya ke liae Black list karen.

4. Indisputably, no notice had been given to the appellant of the proposal of black-listing the appellant. It was contended on behalf of the State Government that there was no requirement in the rule of giving any prior notice before black-listing any person. In so far as the contention that there is no requirement specifically of giving any notice is concerned, the respondent is right. But it is an implied principle of the rule of law that any order having civil consequence should be passed only after following the principles of natural justice. It has to be realised that black-listing any person in respect of business ventures has civil consequence for the future business of the person concerned in any event. Even if the rules do not express so, it is an elementary principle of natural justice that parties affected by any order should have right of being heard and making representations against the order. In that view of the matter, the last portion of the order in so far as it directs black-listing of the appellant in respect of future contracts, cannot be sustained in law. In the premises, that portion of the order directing that the appellant be placed in the black-list in respect of future contracts under the Collector is set aside. So far as the cancellation of the bid of the appellant is concerned, that is not affected. This order will, however, not prevent the State Government or the appropriate authorities from taking any future steps for black-listing the appellant if the Government is so entitled to do so in accordance with law, i.e. giving the appellant due notice and an opportunity of making representation. After hearing the appellant, the State Government will be at liberty to pass any order in accordance with law indicating the reasons therefore. We, however, make it quite clear that we are not expressing any opinion on the correctness or otherwise of the allegations made against the appellant. The appeal is thus disposed of.