IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2076 of 2025

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M/S Vijayshree Press, Panchvati Chowk, Ward No. 18, Gangjala, P.S. - Saharsa, District - Saharsa through its Proprietor Rajiv Kumar, aged about 49 years, male, Son of Late Ramchandra Prasad Bhagat, resident of Punchvati Chowk, Ward No. 18, Gangjala, P.S. - Saharsa, District - Saharsa.

... ... Petitioner.

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Govt. of Bihar, Patna.
2. The Additional Secretary, Health Department, Govt. of Bihar, Patna.
3. The Principal, Jannayak Karpoori Thakur Medical College and Hospital, Madhepura.

... ... Respondents.

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Appearance :
For the Petitioner : Mr. Prashant Sinha, Advocate.
For the State : Mr. Advocate General.

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

Date : 01-09-2025

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

> "(i) For issuance of writ in the nature of certiorari for quashing of the order contained in memo no.50 dated 10-01-2025 issued by the Principal, Jannayak Karpuri Thakur Medical College, Madhepura whereby the petitioner Firm has been blacklisted for four years on nonest grounds without considering or applying mind over the explanation submitted by the petitioner.
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> (ii) For issuance of writ in the nature of certiorari for quashing of letter no.68 dated 15-01-

2025 issued by the Principal, Jannayak Karpuri Thakur Medical College, Madhepura whereby a separate order has been issued for blacklisting of the petitioner Firm for four years for the same cause of action without considering the explanation or applying mind over the explanation submitted by the petitioner.

(iii) For issuance of writ in the nature of certiorari for quashing of the show cause notice contained in letter no.952 dated 15-11-2024 issued by the Principal, Jannayak Karpuri Thakur Medical College, Madhepura whereby a notice has been issued for blacklisting of the Firm of the petitioner without mentioning the provision under which the blacklisting is to be made despite the fact that this Hon'ble Court had issued specific direction regarding the same in order dated 09-05-2024 passed in CWJC No.2404/2024.

(iv) For staying the operation of the order of blacklisting as contained in memo no.50 dated 10-01-2025 and letter no.68 dated 15-01-2025 during the pendency of this writ application.

(v) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case."

2. Perusal of the impugned action of the respondents dated 10.01.2025 read with 15.01.2025, it is crystal clear that there is a total non-application of mind on behalf of the

concerned respondent for the reasons that before blacklisting the petitioner there was a notice issued on 15.11.2024 for which petitioner had submitted his reply on 25.11.2024, thereafter the concerned authority proceeded to pass order on 10.01.2025 followed by another order on 15.01.2025. Both the orders do not specify what are the contentions raised by the petitioner in his reply to the show cause notice and its analysis as to how those contentions are not tenable. The official respondents are exercising quasi judicial functions insofar as blacklisting. Therefore, they must pass a detailed and speaking order after due consideration of each of the contention raised by the concerned aggrieved person. On this issue, 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,** in paragraph-40 has rendered number of points to be considered by the quasi judicial authority. 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)
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> "(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'."

The same shall be taken note of by the concerned authority.

3. Accordingly, the petitioner has made out a case so as to interfere with the impugned order dated 10.01.2025 read with the orders dated 15.01.2025 and 15.11.2024 and they are set aside. The matter is remanded to the concerned authority to proceed afresh after due consideration of the petitioner's reply to the show cause notice strictly in terms of the cited decision and complete the proceedings within a period of four months from the date of receipt of this order.

4. Accordingly, instant writ petition stands allowed.

5. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.09.2025.
Transmission Date	NA