

Raghunath Thakur

Vs

State of Bihar and Others

Civil Appeal No. 4031 of 1988

(S. Ranganathan, Sabyasachi Mukharji JJ)

08.11.1988

JUDGMENT

SABYASACHI MUKHARJI, J. –

1. Special leave granted.

2. The order dated March 25, 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 March 27, 1988 and he was 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. Puksha, District 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 March 25, 1988, states as follows :

The Collector of the district after perusal of the said office note passed order on March 25, 1988 which is produced in verbatim below :

First bidder chunki defaulter hai atah security prapt kar len tatha bhavishya ke liae blacklist karen.

4. Indisputably, no notice had been given to the appellant of the proposal of blacklisting 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 blacklisting any person. Insofar 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 blacklisting 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 insofar as it directs blacklisting 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 blacklist 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 blacklisting the appellant if the government is so entitled to do in accordance with law i.e. after 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 of otherwise of the allegations made against the appellant. The appeal is thus disposed of.

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