



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No.13955/2026

CNR: RJHC010638612026 | URN: CW / 25427U / 2026

M/s S.S. Corporation, Having Its Office At 4, Sajjangarh Road,
Malla Talai, Udaipur Through Its Proprietor Mr. Shailendra
Suhalka S/o Gopal Ji Suhalka, Age 40 R/o Malla Tali, Udaipur
(Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary,
Department Of Forest And Environment, Government Of
Rajasthan, Jaipur. (Raj.)
2. The Chief Conservator Of Forests (Wildlife), Udaipur, Raj.
3. The Deputy Conservator Of Forests (Wildlife), Udaipur,
Raj.

-----Respondents

For Petitioner(s) : Mr. Siddharth Mandawat
Ms. Vrinda Mandawat
For Respondent(s) : Ms. Navya Sharma for
Mr. Mahaveer Bishnoi, AAG

JUSTICE ANOOP KUMAR DHAND

Order

12/08/2026

1. Aggrieved and dissatisfied by the impugned order dated
29.04.2026, passed by Deputy Conservator of Forests, Wildlife,
Udaipur, the petitioner has approached this Court by way of filing
the instant writ petition.
2. Learned counsel for the petitioner submits that by passing
the aforesaid impugned order, the respondents have blacklisted
the petitioner for a period of three years to participate in any
further tender processes of the respondent-Department. He



submits that prior to passing the impugned order of blacklisting, debarring the petitioner for a period of three consecutive years, the respondents were supposed to issue a show-cause notice to him and they could not have passed the order impugned without an affording opportunity of hearing to the petitioner. Hence, the aforesaid act of the respondents is contravention of the principles of natural justice.

3. In support of his contentions, learned counsel for the petitioner has placed reliance upon the judgments passed by the Hon'ble Apex Court in the case of **M/s A.K.G. Construction and Developers Pvt. Ltd. Vs. State of Jharkhand and Others**, reported in **2026 SCC OnLine SC 520** and **The Blue Dreamz Advertising Pvt. Ltd. and Another Vs. Kolkata Municipal Corporation and Others**, reported in **(2024) 15 SCC 264** and the order passed by this Court at Jaipur Bench in the case of **M/s Mdindia Health Insurance (TPA) Pvt. Ltd. Vs. State of Rajasthan and Others**, while deciding **S.B. Civil Writ Petition No.9690/2025** vide order dated 31.07.2025.

4. *Per contra*, learned counsel appearing on behalf of the respondents opposed the prayer made by learned counsel for the petitioner and submitted that prior to passing of the impugned order dated 29.04.2026, several notices were issued to the petitioner asking him to deposit the outstanding dues, but in spite of receipt of the aforesaid notices, the petitioner failed to deposit the aforesaid amount.

5. Learned counsel submits that as per Section 40 of the Rajasthan Transparency in Public Procurement Act, 2012 (for short "RTPP Act, 2012") any default or non-compliance by an incumbent



would result in their department from future tender processes. Learned counsel submits that hence, under these circumstances, the respondents have not caused any illegality in passing the order impugned, which warrants any interference of this Court and the instant writ petition is liable to be rejected.

6. In support of her contentions, she has placed reliance upon the judgments passed by the Hon'ble Apex Court in the case of **Isolators and Isolators Vs. Madhya Pradesh Madhya Kshetra Vidyut Vitran Company Limited and Anr.**, reported in **(2023) 8 SCC 607** and **Gorkha Security Services Vs. Government (NCT of Delhi) and Others**, reported in **(2014) 9 SCC 105**.

7. Heard and considered the submissions made at the Bar and perused the material available on record.

8. Perusal of the record indicates that the respondents had issued a Notice Inviting Bid (NIB) for the operation of golf carts at Sajjangarh Biological Park, Udaipur. The petitioner participated in the bidding process and he was successfully awarded the contract for the said purpose. It appears that certain outstanding dues were owed by the petitioner, which were not deposited by him. Hence, several notices were issued by the respondents to the petitioner for deposition of the same.

9. Thereafter, when the petitioner failed to deposit the aforesaid outstanding dues, in spite of the repeated notices issued by the respondents to him, the respondents passed the impugned order by which the petitioner has been blacklisted for a period of three years from participating in the tender processes of any other department, and also debarred from participating in the future



tender processes of the respondent-department for indefinite period.

10. A legal issue has been raised by learned counsel for the petitioner that prior to passing of the aforesaid impugned order, no show-cause notice was issued to the petitioner informing him that the respondents were going to blacklist him for failure to deposit the outstanding dues.

11. Perusal of the impugned order dated 29.04.2026 indicates that though several notices were issued to the petitioner for depositing the outstanding dues, but there is no assertion of any of the notices informing the petitioner that in case of failure to deposit the outstanding dues, he would be debarred from participating in future tender processes of the respondent-Department.

12. The instant case is a clear case of violation of the principles of natural justice, wherein prior to passing of the order of blacklisting, the petitioner was not afforded any opportunity of hearing.

13. A five Judge Constitution Bench of the Hon'ble Supreme Court in **Olga Tellis and Others Versus Bombay Municipal Corporation** reported in **(1985) 3 SCC 545** considered the question of opportunity of personal hearing and held that no adverse order can be passed against a person without granting an opportunity of personal hearing. It has been further held that opportunity of personal hearing cannot be denied merely on the ground that no prejudice would be caused to the aggrieved person. The relevant extracts of the judgment read as:-



"48. Any discussion of this topic would be incomplete without reference to an important decision of this Court in S.L. Kapoor v. Jagmohan [(1980) 4 SCC 379, 395. In that case, the supersession of the New Delhi Municipal Committee was challenged on the ground that it was in violation of the principles of natural justice since, no show cause notice was issued before the order of supersession was passed. Linked with that question was the question whether the failure to observe the principles of natural justice matters at all, if such observance would have made no difference, the admitted or indisputable facts speaking for themselves. After referring to the decision in Ridge v. Baldwin [(1964) AC40,68; John v. Rees [1970 Ch345, 402]; Annamunthodo v. Oilfields Workers' Trade Union [(1961) 3 All ER 621, 625 (HL)] ; Margarita Fuentes et al v. Tobert L. Shevin [32 L Ed 2d 556, 574]; Chintapalli Agency Taluk Arrack Sales Cooperative Society Ltd. v. Secretary (Food and Agriculture) Government of A.P. [(1977) 4 SCC 337, 341, 343-44 : (1978) 1 SCR 563, 567, 569-70] and to an interesting discussion of the subject in Jackson's Natural Justice (1980 Edn.), the Court, speaking through one of us, Chinnappa Reddy, J. said: (SCC p. 395, para 24)

"In our view the principles of natural justice know of no exclusionary rule dependent on whether it would have made any difference if natural justice had been observed. The non-observance of natural justice is itself prejudice to any man and proof of prejudice independently of proof of denial of natural justice is unnecessary. It ill comes from a person who has denied justice that the person who has been denied justice is not prejudiced."

These observations sum up the true legal position regarding the purport and implications of the right of hearing."





14. In **Khem Chand Versus Union of India** reported in **(1957) 3 SCC 600**, while dealing with question of compliance of principles of natural justice, in a case of an inquiry against civil servant, in terms of Article 311 of the Constitution of India, the Hon'ble Supreme Court has concluded:

"21. In our judgment neither of the two views can be accepted as a completely correct exposition of the intendment of the provisions of Section 240(3) of the Government of India Act, 1935, now embodied in Article 311(2) of the Constitution. Indeed the learned Solicitor- General does not contend that this provision is confined to guaranteeing to the government servant an opportunity to be given to him only at the later stage of showing cause against the punishment proposed to be imposed on him. We think that the learned Solicitor-General is entirely right in not pressing for such a limited construction of the provisions under consideration. It is true that the provision does not, in terms, refer to different stages at which opportunity is to be given to the officer concerned. All that it says is that the government servant must be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him. He must not only be given an opportunity but such opportunity must be a reasonable one. In order that the opportunity to show cause against the proposed action may be regarded as a reasonable one, it is quite obviously necessary that the government servant should have the opportunity, to say, if that be his case, that he has not been guilty of any misconduct to merit any punishment at all and also that the particular punishment proposed to be given is much more drastic and severe than he deserves. Both these pleas have a direct bearing on the question of punishment and may well be put forward in showing cause against the proposed punishment. If this is the correct meaning of the clause, as we think it is, what consequences follow? If it is open to the government servant under this provision to contend, if that be the fact, that he is not guilty of





any misconduct then how can he take that plea unless he is told what misconduct is alleged against him? If the opportunity to show cause is to be a reasonable one it is clear that he should be informed about the charge or charges levelled against him and the evidence by which it is sought to be established, for it is only then that he will be able to put forward his defence. If the purpose of this provision is to give the government servant an opportunity to exonerate himself from the charge and if this opportunity is to be a reasonable one he should be allowed to show that the evidence against him is not worthy of credence or consideration and that he can only do if he is given a chance to cross-examine the witnesses called against him and to examine himself or any other witness in support of his defence. All this appears to us to be implicit in the language used in the clause, but this does not exhaust his rights. In addition to showing that he has not been guilty of any misconduct so as to merit any punishment, it is reasonable that he should also have an opportunity to contend that the charges proved against him do not necessarily require the particular punishment proposed to be meted out to him. He may say, for instance, that although he has been guilty of some misconduct it is not of such a character as to merit the extreme punishment of dismissal or even of removal or reduction in rank and that any of the lesser punishments ought to be sufficient in his case.

22. To summarise : the reasonable opportunity envisaged by the provision under consideration includes--

- (a) An opportunity to deny his guilt and establish his innocence, which he can only do if he is told what the charges levelled against him are and the allegations on which such charges are based;
- (b) An opportunity to defend himself by cross-examining the witnesses produced against him and by examining himself or any other witnesses in support of his defence; and finally



(c) An opportunity to make his representation as to why the proposed punishment should not be inflicted on him, which he can only do if the competent authority, after the enquiry is over and after applying his mind to the gravity or otherwise of the charges proved against the government servant tentatively proposes to inflict one of the three punishments and communicates the same to the government servant."

15. There is a clear violation of the principles of natural justice in the instant case, as the petitioner was not afforded a proper opportunity of hearing. The petitioner was served with a brief show cause notice levelling certain charges against him. Thereafter, without providing due opportunity of hearing to the petitioner, straightaway the impugned order has been passed by the respondents.

16. The underlying principle of natural justice, evolved under common law, is designed to check and prevent arbitrary exercise of powers by the State or its functionaries. Therefore, these principles impose a duty on the State and its functionaries to act fairly, ensuring fair play and opportunity in administrative action. The fundamental maxim of natural justice i.e. *audi alteram partem* has several facets, two of them being (a) notice of the case to be issued and (b) grant of due opportunity to explain oneself.

In the instant case, the first requirement was duly complied with by the respondents by issuing a show cause notice to the petitioner but they failed to comply with the second requirement as they did not grant the petitioner an opportunity to be heard &



explained his case before passing the impugned order, which has resulted in a gross violation of the principles of natural justice, and thereby barred/blacklisted the petitioner from participating in future bidding and tender processes for a period of three years.

17. Hence, the order impugned amounts to a clear violation of the principles of natural justice, having been passed without affording the petitioner a due opportunity of hearing. Thus, in light of the discussions made hereinabove, the impugned order dated 29.04.2026 is not sustainable in the eyes of law and is liable to be and is hereby quashed and set-aside. The respondents shall be at liberty to issue a fresh show cause notice to the petitioner clearly specifying the allegations levelled against the petitioner. In the event, such a notice is issued by the respondents to the petitioner, it is expected from the respondents to consider the reply, so filed by the petitioner pursuant thereto and pass appropriate orders, strictly in accordance with law, after providing due opportunity of hearing to the petitioner.

18. With the aforesaid observations and directions, the present writ petition stands disposed of. Stay application and all pending application (s) if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

305/Karan

