

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P.(C) No.704 of 2021**

-----

M/s. Vandri Industrial Engineers through its Proprietor  
 Satish Choudhary @ Satish Kumar Choudhary @ Satish  
 Kumar .... ... Petitioner

Versus

The State of Jharkhand & Others... ... Respondents

**With**

**W.P.(C) No.36 of 2021**

-----

M/s. Vandri Industrial Engineers through its Proprietor  
 Satish Choudhary @ Satish Kumar Choudhary @ Satish  
 Kumar .... ... Petitioner

Versus

The State of Jharkhand & Others... ... Respondents

-----

**CORAM:HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**  
**HON'BLE MR. JUSTICE NAVNEET KUMAR**

-----

For the Appellant : Mr. Krishna Murari, Advocate  
 For the Respondent : Mr. J.F.Toppo, G.A.-V

-----

**Order No. 09/Dated 1<sup>st</sup> December, 2023**

**W.P.(C) No.36 of 2021**

**1.** The instant writ petition has been filed for quashing the order of revocation of the Competency Certificate as has been taken by the Chief Inspector of Factories, Jharkhand (Respondent No.3).

**2.** Four grounds have been taken in assailing the impugned order, i.e. –

(i) The authority while revoking the Competency Certificate has travelled beyond the allegation as referred in the show cause since one of the reasons while revoking the Competency Certificate is that he

has not discharged the duty of issuance of Competency Certificate properly.

The contention has been made by referring to the show cause that there is no reference of the duty having not been discharged properly since no complaint whatsoever has been made against the writ petitioner.

- (ii) The show cause has been responded but the order revoking the Competency Certificate does not mention any of the defence reply.

Submission has been made that law is well settled that once the concerned party is being issued show cause for taking a decision and if the same has been responded by giving defence, it is the bounden duty of the authority who has to take decision to consider and while considering the same, a specific finding is to be there either way. But, it is not available in the impugned order.

- (iii) The Chief Inspector of Factories, Jharkhand (Respondent No.3) who has revoked the Competency Certificate by exercising the power of review by reviewing the decision taken by the predecessor-in-office which is not at all permissible, otherwise, the same will be an unending process.

(iv) The Competency Certificate has been revoked that the misinformation has been given to the authority concerned while it is all along the case of the writ petitioner that there is no misrepresentation on its part, rather, the due affidavits have been filed regarding the name of the petitioner and the predecessor-in-office of the present incumbent who has passed the order of revocation of the Competency Certificate, after applying due mind, has taken decision by issuing the Competency Certificate, but the present incumbent, the Respondent No.3 herein, the Chief Inspector of Factories, Jharkhand, who has passed the order by completely discarding the aforesaid affidavit, has reviewed the decision already taken by the predecessor-in-office of the present incumbent.

**3.** Learned counsel for the petitioner has vehemently argued by referring to the order passed by this Court dated 10.08.2021 wherein this Court, after taking into consideration the grounds based upon the pleading of the writ petitioner, has stayed the order during pendency of the present writ petition as contained in letter No.790 dated 14.08.2020 (Annexure-12 to the writ petition) issued by the Respondent No.3. But the concerned authority, i.e., Respondent No.3, has not complied the said direction,

rather, has issued an order on 31.01.2022 as if the said respondent is the appellate authority over the order passed by this Court.

**4.** It has been submitted that for the aforesaid purpose, a contempt case has also been filed being Contempt Case (Civil) No.154 of 2023.

**5.** This Court, having heard learned counsel for the petitioner, is of the view that the said contempt case is also required to be listed along with these writ petitions.

**6.** Accordingly, let these matters be posted on 04.12.2023 along with Contempt Case (Civil) No.154 of 2023.

**(Sujit Narayan Prasad, J.)**

**(Navneet Kumar, J.)**