

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2994 of 2014

=====

Sadanand Singh Construction Pvt. Ltd. Through Its Director Sadanand Singh S/O
Late Medani Singh Resident Of Village- Dharhara, P.S.- Dharhara, District-
Munger

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Rural Work Department (R.W.D)
Vishwesharaiya Bhawan, Baily Road, Patna
2. The Secretary, Road Construction Department, Vishwesharaiya Bhawan, Baily
Road, Patna
3. The Engineer-In-Chief, Rural Works Department, Vishwesharaiya Bhawan,
Baily Road, Patna
4. The Chief Engineer (Ii), Rural Works Department, Harding Road, Barrak No. 2,
Patna
5. The Superintending Engineer, Rural Works Department, Rural Work Circle,
Pipertai, Munger
6. The Executive Engineer, Rural Works Department, Work Division Munger,
Munger

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shankar Dayal Singh, Advocate.
For the Respondent/s : Mr. Jawahar Prasad Karn, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 15-12-2015

The present writ petition has been filed against the
Office Letter No. 11369 (Anu) dated 4.10.2013 issued by the
respondent Engineer-in-Chief, inter alia, debarring the petitioner
from participating in any future tenders, as well as against the
inclusion of the petitioner's name in the list of defaulters.

2. It is submitted that the action of the respondents
in placing the petitioner's name in the defaulters list as well as
the order of debarment as contained in the impugned order is
arbitrary and illegal, contrary to the fundamental principles of

natural justice as no prior notice or opportunity of hearing in the matter was afforded to the petitioner.

3. A counter affidavit on behalf of the respondents has been filed which however does not controvert the petitioner's averment with regard to the impugned order having been passed without grant of opportunity. An objection has also been taken with regard to pending litigation of the petitioner before the Bihar Arbitration Tribunal, Patna, but however neither details thereof nor the subject matter of such litigation have been stated. Such averment has been denied by the petitioner in its rejoinder.

4. Having heard the parties, the writ petition is disposed of, setting aside the office order as contained in Letter No. 11369(Anu) dated 4.10.2013 declaring the petitioner as defaulter and his debarment from participating in future tenders. The petitioner's name appearing in Serial No. 331 of the defaulter's list (Annexure-1A) shall also stand expunged.

5. Nothing contained herein shall preclude the respondents from proceeding in the matter in accordance with law.

6. The writ petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/-

U			
---	--	--	--