

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3067 of 2015

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Ashok Kumar. Son of Sri Anandi Prasad. Resident of Mohalla - Gaushala Katihar,
P.O.- New Jute Mills, P.S.- Sahayak Thana (Mirchabari Katihar), District - Katihar
.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Bihar State Building Construction Corporation Ltd. through its Managing Director, Patna, Bihar.
3. The Secretary, Agriculture Department, Government of Bihar, Patna.
4. The Managing Director, the Bihar State Building Construction Corporation Ltd. Patna, Bihar.
5. The General Manager (Headquarter), the Bihar State Building Construction Corporation Ltd. Patna, Bihar.
6. The Deputy General Manager, the Bihar State Building Construction Corporation Ltd. Purnea.
7. The Sub-Divisional Officer, Kishanganj

.... Respondents

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Appearance :

For the Petitioner : Mr. Lal Babu Singh, Advocate
For the Corporation: Mr. Aditya Prakash Sahay, Advocate
For the State : Mr. Shailendra Kumar Jha, AC to AAG13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 27-02-2015

I have heard learned counsel for the petitioner, Bihar State Building Corporation Limited (hereinafter to be referred to as “the Corporation”) and the State.

A short question has been raised in this case by the petitioner at the time of hearing that the impugned order communicated through letter No. 163 dated 13.08.2014 contained in Annexure 6 imposing a bar upon the petitioner from participation in any future tender on the alleged ground that he could not complete the work concerned, has been

passed without issuing any show-cause notice upon him and as such, the action is in teeth of the principle of Natural Justice.

Learned counsel for the Corporation submits on instruction that it is admitted fact that no show-cause notice was issued to the petitioner but debarment of the petitioner from participation in any future tender till the work concerned is completed is sustainable in law as the same has been done in public interest.

However, this Court finds force in the submission made by the petitioner. Whether the work was completed or not and, if it has not been completed, then what were the factors involved causing delay, whether the petitioner is responsible for delay or not, would be the issues that could have been finalized by issuance of show-cause notice to the petitioner and after consideration of reply filed by him. Otherwise also, the action of debarment from participation in any future tender would definitely lead to a civil consequence and, thus, in my considered opinion, the respondent concerned could not have passed such order without granting reasonable opportunity to the petitioner.

As a result, this writ application succeeds and the order impugned communicated through letter no. 163 dated

13.08.2014 as contained in Annexure 6 is quashed and set aside.

However, it would be open to the respondent authority to proceed afresh in the matter, if it so desires, against the petitioner in accordance with law.

(Dr. Ravi Ranjan, J)

SC/-

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