

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11575 of 2016

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1. M/s A.P. Construction Private Limited, through its Director Anil Kumar Singh, Son of Late Brahmadeo Singh, its office at Dhanauti, Hajipur, P.S Hajipur, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer-in-chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer-III, Rural Works Department, Government of Bihar, Patna. null
4. Superintending Engineer, Rural Works Department, Works Circle, Muzaffarpur.
5. Excutive Engineer, Rural Works Department, Works Division Hajipur, District Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durga Nand Jha
For the Respondent/s : Mr. Kameshwar Kumar, G. P. 17
Mr. Amit Bhushan, A.C. to G. P. 17.

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

ORAL JUDGMENT

Date: 25-10-2016

Heard learned counsel for the parties. No counter affidavit has been filed on behalf of the State to controvert the facts stated in the writ application.

2. The petitioner was declared defaulter and debarred from participating in future tenders by the impugned order dated 27.06.2016 issued by the Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.

3. From the materials on record it is evident that it is admitted that the petitioner has completed at least 80% of the work in

each of the three works given to the petitioner in the district of Muzaffarpur. Upon representation of the petitioner, the Executive Engineer, Rural Works Department, Works Division, Hajipur vide his letter dated 19.08.2016 has recommended in favour of the petitioner for removing him from the debarment list and similar recommendations were also made by the Superintending Engineer and the Chief Engineer by letters dated 20.07.2016 and 21.07.2016 respectively.

4. In view of the aforesaid un-controverted facts it is evident that the debarment of the petitioner was on account of non-application of mind by respondent no. 2 to the facts obtaining at the relevant time.

5. This writ application is, accordingly, allowed and the impugned order dated 27.06.2016 issued by the Engineer-in-Chief, Rural Works Department, Government of Bihar is quashed, in so far as it relates to the petitioner.

(Ramesh Kumar Datta, J)

Amin/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	