

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10005 of 2014

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M/s Bhardwaj Construction having its office at 286, A.P. Colony, P.S. - Rampur,
District-Gaya through its partner Kamlesh Kumar, Son of Ramashray Singh
Resident of Village - Bali, P.S. - Konch, District - Gaya.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Rural Works Department, Bihar, Patna.
3. The Principal Secretary, Road Construction Department, Bihar, Patna.
4. The Engineer-in-Chief, Rural Works Department, Bihar, Patna.
5. The Chief Engineer, Rural Works Department, Bihar, Patna.
6. The Engineer-in-Chief, Road Construction Department, Bihar, Patna.
7. The Chief Engineer, Road Construction Department, Bihar, Patna.
8. The Superintending Engineer, Rural Works Department, Magadh Division,
Gaya.
9. The Executive Engineer, Rural Works Department, Work Division, Gaya.
10. The Superintending Engineer, Road Construction Department, Magadh
Division, Gaya.
11. The Executive Engineer, Road Construction Department, Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate

For the Respondents: Mrs. Ratna Kumari, AC to SC13

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-02-2016

The present writ petition has been filed for quashing order dated 04.10.2013 contained in Memo No. 11369 (Annexure-4) by which the petitioner has been declared defaulter and he has been debarred for the reason that he has not completed 80% of work namely construction of road from Konch to Gaharpur which was allotted to him under P.M.G.S.Y. Scheme.

2. Learned counsel for the petitioner submits that as a matter of fact, the petitioner completed the work to the extent possible

and the remaining work could not be done by reason of non-availability of space, as evident from Memo No. 590 dated 08.03.2014 issued by the concerned Executive Engineer (Annexure-6).

3. Having regard to the nature of the grievance of the petitioner, this writ petition is disposed of with liberty to the petitioner to approach the Engineer-in-Chief, Rural Works Department, Bihar, Patna (Respondent No. 4) by filing a fresh representation for redressal of its grievances. If any such representation is filed within two weeks from today, the same shall be considered and disposed of in accordance with law by the said Engineer-in-Chief, having regard to the letter of the Executive Engineer dated 08.03.2014 aforesaid.

4. It is made clear that if such a representation is filed, the impugned order dated 04.10.2013 insofar as it concerns the petitioner, shall remain stayed until the matter is disposed of afresh by the said Engineer-in-Chief.

(Vikash Jain, J)

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