

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.10293 of 2017**

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Paramatma Tiwari, S/o Late Ram Naresh Tiwari, Resident of Village- Urda, P.S. Chenari, District Rohtas, Sasaram

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Rural Works Department, Vishvasaraiya Bhavan, Bailey Road, Patna
2. The Principal Chief Engineer, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer, Rural Works Department, Government of Bihar, Patna.
4. The Executive Engineer, Rural Works Department, Works Division, Mohania (Kaimur)
5. The Assistant Engineer, Rural Works Department, Kudra (Kaimur).

.... .... Respondent/s

with

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**Civil Writ Jurisdiction Case No. 14477 of 2017**

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1. Paramatma Tiwari, S/o Late Ram Naresh Tiwari, Resident of Village- Urda, P.S. Chenari, District Rohtas, Sasaram

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Rural Works Department, Vishvasaraiya Bhavan, Bailey Road, Patna
2. The Principal Chief Engineer, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Bhabua
5. The Executive Engineer, Rural Works Department, Works Division, Bhabua
6. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.

.... .... Respondent/s

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**Appearance :**

(In CWJC No.10293 of 2017)

For the Petitioner/s : Mr. Abhishekh Kumar

For the State : Mr. Praveen Kumar Verma, AC to SC7

(In CWJC No.14477 of 2017)

For the Petitioner/s : Mr. Abhishekh Kumar

For the State : Mr. Abhishekh Kumar, AC to SC 7

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 01-11-2017**

Heard learned counsel for the petitioner and learned counsel  
for the State.



In both cases same question has been raised and as such they have been heard together and disposed of by this common judgment.

In both the case petitioner is challenging the order dated 28.6.2017 issued by the Rural Works Department, Government of Bihar by which he has been debarred from participating in future tender.

C.W.J.C. No.10293 of 2017 is with respect to construction and maintenance of road of Kudra Parsathua Road and C.W.J.C. No. 14477 of 2017 is with respect to construction and maintenance of Shailas to Ekauni road under Mukhya Mantri Gramin Sadak Yojana. The petitioner has completed the road and as per claim of the petitioner he has to maintain the road for three years. As he has not received the maintenance cost he did not carry out the work and road has turned to in very bad condition. When the petitioner did not carry out the work he has been put under debar list having been deprived in participating in the future tender.

Learned counsel for the State submits that as and when the petitioner would complete the work of maintenance his name will be deleted from the debar list.

Today writ petitioner has filed a supplementary affidavit wherein he has made categorical statement that he will complete the repair work of both roads within a period of three months.



In view of the statement made in the supplementary affidavit, petitioner is directed to carry out the work and as soon as he completes the repair work which will be verified by the State authority and having found that he has completed the entire work his name would be deleted from the debar list.

Learned counsel for the petitioner submits that without giving any notice he has been debarred for participating in future tender. As per executive instruction issued by the State of Bihar wherein it has been provided that on what ground the contractor can be debarred and one of the ground is that if he failed to carry out the work automatically he will be treated to have been debarred from the list. Further it has been stated by the State that petitioner was asked to carry out the repair work but he failed to do so.

With the aforesaid observation and direction these writ petitions are disposed of.

**(Shivaji Pandey, J)**

Vinay/-

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| AFR/NAFR          | NAFR      |
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