

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19118 of 2016

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Harishankar Prasad son of Subvansh Prasad, resident of village –Gadaichak,
PS-Meenapur, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Bihar, Patna.
2. The Engineer in Chief-cum-Additional Commissioner-cum-Special Secretary, Road Construction Department, Bihar Patna.
3. The Engineer in Chief, Rural Works Department, Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Muzaffarpur.
5. The Executive Engineer, Rural Works Department, Works Division, Muzaffarpur East-2.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Prasad

For the Respondent/s : Mr. Pratik Sinha, GA-

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 09-02-2017 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner has raised a grievance that he has wrongly been debarred to participate in the contract work on the ground that he has not completed 80% of work upto the due date, but he submits that he has completed the work on 09.02.2016 and on that date, the order of debarment has been issued. He further submits that in terms of the policy decision of the State Government, it is not the tenor of the same, as it will be apparent from the policy decision that the person will be declared debarred until he completes the work. The Annexure-4 itself shows that the petitioner has completed the work, which was found satisfactory.



In such view of the matter. This Court directs the Engineer-in-Chief to examine the case of the petitioner and take a decision in terms of the policy decision of the State Government and it is well settled that any person cannot be debarred to participate for indefinite period, reliance can be placed on **2013 (4) PLJR 447 (SC) (M/s Kulja Industries Limited vs. Chief Gen. Manager, W.T. Proj. BSNL & ors.)**.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

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