

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.585 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 5855 of 2014

- =====
1. M/S Ram Janki Construction through Rekha Devi Wife of Sri Lal Babu Singh Proprietor of M/S. Ram Janki Construction (Proprietor), Station Road, Ward No. 20, District Madhubani
 2. Lal Babu Singh (Partner), M/S Ram Janki Construction Son of Late Uchit Singh Station Road, Ward No. 20, Both Resident of Village and P.O. Dullipatti, P.S. Jay Nagar, District Madhubani (Bihar)

.... Appellant/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna
2. Principal Secretary, Building Construction Department, Bhawan Nirman Vibhag (Vishwaraiya Bhawan), Patna
3. The Secretary, Building Construction Department, Bhawan Nirman Vibhag (Vishwaraiya Bhawan), Patna
4. The Engineer in Chief, Building Construction Department, Bhawan Nirman Vibhag, Patna, Bihar
5. Chief Engineer (North Zone) Building Construction Department, Bhawan Nirman Vibhag, (Vishwaraiya Bhawan) Patna
6. District Magistrate, Madhubani
7. Superintending Engineer, Building Construction Department, Building Circle, Darbhanga
8. Executive Engineer, Building Construction Department, Building Division, Madhubani

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Yogendra Kumar Singh, Advocate Mrs. Nitu Kumari, Advocate Mr. Ratneshwar Prasad, Advocate
For the Respondent/s	:	Mr. Khursid Alam, AAG-12 Mrs. Nutan Sahay, A.C. to AAG. 12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-06-2017

Delay of four days in filing of this appeal is condoned.

I.A. No. 2610 of 2016 stands allowed.

2. Seeking exception to an order dated 19.01.2016



passed by the learned Writ Court in C.W.J.C. No. 5855 of 2014 this appeal has been filed under Clause 10 of the Letters Patent.

3. Challenge to the order of blacklisting dated 26.12.2012 (Annexure-6) and the order of the Appellate Authority dated 19.08.2013 (Annexure-7) have been rejected by the Writ Court merely on the ground that the allegations levelled against the appellants with regard to withdrawal of amount without executing the work is found to be established.

4. Even though learned counsel for the appellants tried to argue that the explanation given to the show-cause has not been properly considered but on a perusal of the detailed order passed by the learned Appellate Authority on 19.08.2013 (Annexure-7 in the writ petition) and the order passed by the learned Writ Court, we see no reason to make any indulgence into the matter as the concurrent findings have been recorded by not only the competent authority and the Appellant Authority but also by the learned Writ Court after evaluating various aspects of the matter.

5. Accordingly, on the merit with regard to the order of blacklisting, no indulgence is called for. However, the order of blacklisting does not specify the period for which the blacklisting has to be in force and by virtue of the amendment made to the Bihar Enlistment of Contractors Rules, 1992 certain period for blacklisting



has to be specified by the competent authority. This having not been done, we remand the matter back to the Engineer-in-Chief (Respondent No. 4) to consider the matter with regard to specifying the period for which the order of blacklisting has to be in force. On the appellants filing a certified copy of this order along with a detailed representation in the matter of fixing an appropriate period for notifying the time limit for operation of the order of blacklisting Respondent No. 4 shall pass an order specifying the period for which the blacklisting has to be in force and the period shall be reckoned from the date the order impugned was passed by the Respondent No. 4. Let the order in this regard be passed within a period of 30 days from the date of receipt of the certified copy of this order along with the claim/representation by the appellants.

6. The Letters Patent Appeal is, accordingly, disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	22.06.2017
Transmission Date	

