

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1923 of 2015

IN

Civil Writ Jurisdiction Case No. 5018 of 2014

- =====
1. The State of Bihar through the Principal Secretary, Government of Bihar, Rural Works Department, Bisheshwaraiya Bhawan, Bailey Road, Patna
 2. The Chief Engineer, Rural Works Department, Bisheshwaraiya Bhawan, Bailey Road, Patna
 3. The Superintending Engineer, Rural Works Department, Works Division Sherghati, District - Gaya
 4. The Executive Engineer, Rural Works Department, Works Division, Sherghati, District - Gaya

.... Appellants

Versus

Baban Kumar Singh Son of Late Jagdish Prasad singh, Resident of Mohalla - M.I.G. - 90, Housing Board Colony, P.S. - Rampur, District - Gaya

.... Respondent

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Appearance :

For the Appellants : Mr. Ravish Chandra, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 27-01-2017

Limitation petition, i.e. I.A. No. 8602 of 2015,
explaining the delay of about one year three months is allowed.

Heard counsel for the appellants.

It is evident from the order of the learned single Judge that there was repeated default on the part of the State in filing counter affidavit. That was the reason why the Court was compelled to dispose of the writ application finally after three adjournments holding the principle that the State authorities themselves cannot become judge in their own cause by passing an order for debarring or



blacklisting when the delay is attributable to the State.

To that extent the order of the learned single Judge cannot be faulted. The default lay at the door of the State authorities.

The Court has also gone through Annexure-3 of the writ application, which was subject matter of challenge. It is evident from the said order that the private respondent was declared a defaulter and was debarred from participation in the next tender. This order is dated 04.10.2013, nearly four years have gone past since then, nothing further is required to be done now by interfering with the order of the learned single Judge.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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