

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20217 of 2016

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Shambhu Yadav, Son of Late Ram Khelawan Yadav, resident of village - Bithalpur,
Police Station - Jamui, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department, Patna, Bihar
2. The Rural Works Department through Principal Secretary, Government of Bihar, Patna
3. The Secretary, Rural Works Department through Principal Secretary, Government of Bihar, Patna
4. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna
5. The Chief Engineer, Rural Works Department, Government of Bihar, Patna
6. The Superintending Engineer, Work Division, Rural Works Department, Government of Bihar, Patna
7. The Executive Engineer, Work Division - Jamui, Rural Works Department, Government of Bihar, Patna
8. Bihar Rural Roads Development Agency through its Secretary, Government of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
Mr. Alok Kr. Adv.

For the State : Mr. Manish Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-02-2017

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

In this case, the petitioner is challenging the order of debarment vide memo no. 6777 dated 2.6.2016, thereby, he has been prohibited to participate in the future tender.

The petitioner is a registered contractor engaged in the construction of rural roads in the State of Bihar. The Government of



Bihar issued an advertisement, in pursuance thereof, the petitioner has also participated in the bid and was selected, he was given the number of works as Amin Khaira Road to Bariyarpur, Jamui Kawakol Road Chanwar to Karitanar and from PMGSY Road Hariadih to Parsa Middle School. As the petitioner failed to complete 80% of the work up to the due date, in pursuance thereof vide letter dated 2.6.2016 some of the Contractors including the petitioner has been prevented to participate in the future tender. The name of the petitioner stands at serial nos. 82, 83 and 84 respectively.

Learned counsel for the petitioner submits that on account of bad law and order situation and non-availability of the fund, he could not complete the work in due date but, Annexure-4 itself shows that the authorities were conscious and to mitigate the problem they themselves extended the period of the due date. Learned counsel for the petitioner further submits that the petitioner has by and large completed the work which is apparently clear from the letter no. 1733 dated 24.11.2016 from where it appears that the petitioner was about to complete all the three works mentioned in the aforesaid letter.

Admittedly the petitioner has not completed the work up to the due date, if the petitioner has already completed then the petitioner cannot be debarred to participate in the future tender. Let



the Engineer-in-Chief examine the case of the petitioner and make an enquiry about completion of the work assigned to him. If it is found that he has completed the work, he cannot be put to the loss by the Department. For convenience, the petitioner will be at liberty to file a proper application before the Engineer-in-Chief, Rural Works Department, Patna with entire details who will examine and take a decision within a period of four weeks from the date of filing of the application.

With the aforesaid observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.02.2017
Transmission Date	

