

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19073 of 2016

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Sachin Kumar Srivastava Son of Late Dinkar Prasad Srivastava resident of Village-
Ismilepur, Police Station- Hajipur Sadar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer-III, Rural Works Department, Government of Bihar, Patna.
4. Superintending Engineer, Rural Works Department, Works Circle, Muzaffarpur.
5. Executive Engineer, Rural Works Department, Works Division, Hajipur, District- Vaishali.
6. Assistant Engineer, Rural Works Department, Works Division, Hajipur, District- Vaishali.
7. Junior Engineer, Rural Works Department, Works Division, Hajipur, District- Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Respondent/s : Mr. Ashish Kumar Lal, AC to GA-5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-02-2017

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

In this case, the petitioner is challenging the office order as contained in Memo No. 7779 dated 27.06.2016, whereby and whereunder, the petitioner has been declared defaulter and has been debarred to participate in the future tender.

The petitioner was awarded contract of work under the Mukhyamantri Gram Sampark Yojana vide Scheme No. 25BD/2015-



16 and accordingly the petitioner has entered into an agreement on 19.5.2015 with the Rural Works Department, Hajipur on the terms and conditions mentioned in the agreement. As per agreement, the petitioner was to complete the work on 23.4.2016 but, he failed to complete the same which attracted the order passed by the Engineer-in-Chief, thereby, he has been debarred to participate in the future tender.

Learned counsel for the petitioner submits that he has already completed the work and the same is apparently clear from the letter no. 1205 dated 16.7.2016. In such circumstances, he cannot be debarred in the future tender. The Government has taken a policy decision in Memo No. 2131(S) dated 13.03.2009 that if any Contractor does not complete the 80% of the work on or before the due date, he will be debarred to participate in the future tender and the moment he completes the same, he will not be debarred from participating in the future tender.

In view of the aforesaid circular of the State Government the petitioner cannot be remained in the list of debarment contractors and, accordingly, the order of the Engineer-in-Chief cannot be allowed to remain sustained. Thus, the order of the Engineer-in-Chief contained in Memo No. 7779 dated 27.06.2016 stands quashed. The petitioner is allowed to participate in the future tender.



With the aforementioned observation, this application is
allowed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.02.2017
Transmission Date	

