

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1637 of 2016

In

Civil Writ Jurisdiction Case No.3330 of 2015

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1. The State of Bihar through the Principal Secretary, Department of Water Resource, Government of Bihar, Patna.
 2. The Principal Secretary, Department of Water Resource, Government of Bihar, Patna.
 3. The Engineer -in- Chief (Central), Water Resource, Government of Bihar, Patna.
 4. Principal Secretary, Department of Minor Water Resource, Vikash Bhawan, Bailey Road, Government of Bihar, Patna.
 5. Engineer-in-Chief-cum-Project Co-ordinator, Minor Irrigation, Government of Bihar.

... .. Appellant/s

Versus

Vikash Kumar Jha, Son of Late Mohan Jha, resident of village Suro (Ojhatol), P.S.- Bachhwara, District- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Anil Kumar Sinha, GA 1 Mr. Pawan Kumar, AC to GA 1 Mr Nikhil Agrawal, AC to GA 1
For the Respondent/s	:	Mr. Ajay Kumar Thakur Mr Md. Imteyaz Ahmed Mr Shashank Shekhar

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

7 08-11-2017 The appeal is taken up both on merits and on the limitation petition. I. A. No.9698 of 2016, which is for condonation of delay of 143 days, is allowed for the reasons indicated.

Heard learned counsel representing the State of Bihar and perused the order dated 22.02.2016.

Whatever be the reasons assigned for allowing the writ



application and quashing of blacklisting of firm, two things do emerge, which require to be noticed. One, that no blacklisting can be done indefinitely for lifelong, which has been done in the present case, and the second aspect is whether assault by a person upon the Engineer -in- Chief of the Department, for which a criminal case has also been initiated, can form the basis for blacklisting of the firm as such.

The sum essence being what they are it is not a fit case where any interference is warranted with the decision of the learned Single Judge, who has quashed the order impugned of blacklisting the firm indefinitely.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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