

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.881 of 2018

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M/s J. K. Construction, Hathua Chhawani, Chhatardhari Bazar, P.O. and P.S. Chapra, District-Saran at Chapra through the Proprietor Jitendra Singh @ Jitendra Kumar Singh, Son of Late Nand Lal Singh, Resident of Village and P.O. Barwan Khurd, P.S. Daudpur, District-Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-cum-Additional Secretary-cum-Special Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer-3, Rural Works Department, Government of Bihar, Patna.
5. The Superintending Engineer, Rural Works Department, Works Circle, Chapra.
6. The Executive Engineer, Rural Works Department, Works Division, Chapra-1.

.... Respondents

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Appearance:

For the Petitioner : Mr. S.B.K. Manglam,
Mrs. Anita Kumari
Mr. Bhagwati Prasad, Advocates
For the Respondents : Mr. Ajay -GA5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-05-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs—

“(i) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the letter dated 27.06.2016 issued under the signature of the Respondent no. 4 and contained in his memo no. 7779 dated 27.06.2016, so far it relates to the petitioner, whereby and whereunder he has put the petitioner



company in the list of debarred contractors on the ground that the petitioner company did not complete the work assigned to it under different agreement within the time prescribed in the agreement for completion of the work.

(ii) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to delete the name of the petitioner from the aforesaid list of debarred contractor on the ground that if the completion certificate of work has been filed before the department by the petitioner on 10.11.2016 itself and pursuant to the letter of the department dated 12.12.2017, the Respondent no. 6 has also certified that the work has been completed by the petitioner.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case."

3. Learned counsel for the petitioner makes a short submission to the effect that subsequent to passing of the debarment order, the petitioner has since completed the subject work as evident from the letter dated 12.12.2017 issued by the Executive Engineer, Rural Works Department, Woks Division (Annexure-5) confirming that the petitioner had completed the work in question.

4. A counter affidavit has been filed on behalf of the respondents but the stand of the petitioner with regard to completion



of the work has not been controverted.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court finds merit in the writ petition. It is not disputed that the petitioner has now completed the work and continuance of the debarment order would amount to petitioner’s debarment from participating in the next tender which is impermissible in law.

6. In the above view of the matter, the impugned letter dated 27.06.2016 issued by the Engineer-in-Chief, Rural Works Department, Patna (respondent no. 4) is hereby quashed in so far as it concerns the petitioner. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.05.2018
Transmission Date	N.A.

