

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8907 of 2018

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Sanjay Kumar Priyadarshi, son of Late Prabhu Chand Prasad, resident of Mohalla - Karunabag, Sohsarai, P.S. - Sohsarai, District - Nalanda.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Engineer in Chief cum Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Chief Engineer, Design, Public Health Engineering Department, Government of Bihar, Patna.
4. The Regional Chief Engineer, Public Health Division, Patna.
5. The Superintending Engineer, Public Health Circle, Sasaram.
6. Executive Engineer, Public Health Division, Aurangabad.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shekhar Singh,
Mr. Sumit Kumar, Advocates

For the Respondents : Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-06-2018

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 –

“(A) For quashing and setting aside the decision communicated vide letter bearing memo no. 1649 dated 07.07.2017, issued by the Chief Engineer, Design, Public Health Engineering Department, Government of Bihar, Patna to the extent it relates to the petitioner, whereby the petitioner has been declared defaulter on the basis of alleged non-completion of work relating to



“Sunderganj Jalapurti Yojna” bearing contract no. F/2/10/2007-08, with immediate effect.

(B) For quashing of the order communicated vide letter contained in memo no. 916 dated 12.06.2017 whereby the above referred contract bearing no. F2-10 year 2007-08 has been rescinded and the earnest money has been forfeited pursuant to the order contained in memo no. 329 dated 07.06.2017.

(C) For any other relief(s) for which the petitioners are entitled.”

3. Learned counsel for the petitioner submits that the impugned orders have been passed under erroneous impression that the petitioner had not completed the work in question. It is also submitted that pursuant to the representation filed by the petitioner on 24.07.2017 (Annexure-9), an enquiry was directed to be conducted in terms of the order dated 19.12.2017 (Annexure-9/A) and ultimately it was found that the work had been completed by the petitioner in accordance with the agreement. It was also accordingly recommended by the Chief Engineer in his letter dated 25.01.2018 (Annexure-11) that the name of the petitioner be removed from the debarment list. It is stated however that no further action thereafter has been taken by the respondents.

4. Learned counsel for the respondents appears and has been heard. No counter affidavit however has been filed.



5. Having regard to the nature of the grievances as well as materials available on record, the writ petition is disposed of granting liberty to the petitioner to approach the Chief Engineer, Design, Public Health Engineering Department, Government of Bihar, Patna (respondent no. 3) with a fresh representation in the light of the recommendation of the Chief Engineer (Annexure-11) for redressal of his grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of on its own merits within a further period of four weeks thereafter in accordance with law.

6. Having regard to the recommendation of the Chief Engineer (Annexure-11) as well as submission of the petitioner that the impugned order of debarment itself was passed without issuance of any show cause notice, the impugned order of debarment dated 07.07.2017 (Annexure-8) shall remain in abeyance in so far as it relates to the petitioner only until orders are passed by the respondent no. 3 as aforesaid.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.06.2018
Transmission Date	N.A.

