

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20684 of 2013

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Amrendra Kumar S/O Shri Lalan Singh, resident of House No. 590, Road
No. 6, Nehru Nagar, P.S- Rajeev Nagar, District- Patna, Pin- 800013

... .. Petitioner

Versus

1. The State of Bihar
2. The Commissioner-Cum-Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Chief Engineer (YANTRIK), North Bihar Division, Road Construction Department, Darbhanga.
4. The Superintending Engineer, Road Construction Department, Road Circle, Darbhanga.
5. The Executive Engineer, Road Construction Department, Road Circle, Darbhanga.

... .. Respondents

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Appearance :

For the Petitioner : None

For the Respondents : Mr. Wasi Ahmad Khan, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 03-12-2018

The present writ petition has been filed for the following

reliefs -

“(i) To issue a writ in the nature of certiorari for quashing of the office order dated 11.05.2013 bearing Memo No. 647 (Annexure-3) issued under the signature of the respondent no. 5, as the same is per-se illegal, arbitrary and mala fide exercise of power.

(ii) To issue a writ in the nature of certiorari for quashing of the office order dated 11.05.2013 bearing Memo No. 647 (Annexure-3) issued under the signature of the respondent no. 5 and further direct the respondents no. 3 to 5 to extend the time including term and tenure in order to complete the work in conformity of Agreement No. 47/F-2 of 2011-12 (Annexure-1), as the said agreement was made on 14.03.2012.

(iii) To direct the respondent authorities to consider the representation filed by the petitioner on 08.05.2012 (Annexure-



4) and 18.05.2013 (Annexure-4/A) and thereafter accord permission in due consideration of the enhancement of price of the materials.
(iv) Any other relief or reliefs."

2. As none appeared on behalf of the petitioner, the matter was passed over for a few cases. However on repeat call, the petitioner was again not represented.

3. Learned counsel for the respondents appears and invites reference to paragraph-7 of the counter affidavit containing a detailed narrative of the facts and circumstances of the case. It is stated that despite warning, the petitioner did not achieve proper progress in the work, finally leading to rescindment of the contract under Clause 3(A) of F2 agreement in terms of memo no. 647 dated 11.05.2013 impugned herein.

4. The stand of the respondents has not been disputed as no rejoinder to the counter affidavit has been filed on behalf of the petitioner.

5. As such, this Court is not inclined to interfere in the matter.
The writ petition stands dismissed.

(Vikash Jain, J)

Ibrar/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.12.2018
Transmission Date	N.A.

