

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12368 of 2017

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Manoj Kumar Singh, Son of Late Dinanath Singh, resident of Village- Umdha
Fakuli Tola, Chhapra Sadar, P.S.- Chapra Mofassil, District- Saran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
4. The Executive Engineer, Rural Works Department, Work Division, Chapra - 2, Chapra.

.... Respondents

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Appearance :

For the Petitioner : Mr. Yogendra Kumar Singh, Advocate

For the Respondents : Ms. Deepanjali Gupta, AC to GP10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-05-2018

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 a writ in the nature of Certiorari for quashing of the order contained in Memo no. 7829 dated 3-7-2017 (Anx-3) passed by the respondent no. 3 the Engineer in Chief, Rural Works Department, Government of Bihar, Patna by which the petitioner has been debarred with immediate effect from taking part in the next tender.

(ii) For issuance of an appropriate writ directing and commanding the respondents to give the petitioner all consequential benefits including to allow the petitioner



*to participate in the next tender of the Department after quashing of the aforesaid order dated 3-7-2017 (Anx-3).
(iii) For any other relief/reliefs of which the petitioner is legally entitled to”.*

3. Learned counsel for the petitioner makes a pointed submission to assail the impugned order dated 03.07.2017 passed by the Engineer-in-Chief, Rural Works Department (Annexure-3) by which the petitioner along with several other contractors have been debarred from participating in the next tender, on the ground that no prior show cause notice has been issued.

4. A counter affidavit has been filed on behalf of the respondents but the stand of the petitioner has not been controverted.

5. In the above view of the matter, this Court is satisfied that non-issuance of show cause notice to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order contained in Memo No. 7829 dated 03.07.2017 (Annexure-3) is hereby quashed and the matter is remanded to the Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna (Respondent No. 3) for taking decision afresh in the matter after issuance of show cause notice to the petitioner and granting an opportunity of hearing in accordance with law.

6. It is made clear that in case the stand of the petitioner



denying non-service of show cause notice prior to order of debarment being passed is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/-

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

