

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18653 of 2016

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Prem Pratap Ray, S/o Sri Ram Pratap Ray, R/o Ray Bhavan, Jai Mahavir Colony,
Bazar Samiti, Mahendru, Patna.

.... Petitioner

Versus

1. The State of Bihar through the Chairman cum Managing Director, Bihar Police Building Construction Corporation, Kautilya Nagar, Patna-4.
2. The Chief Engineer, Bihar Police Building Construction Corporation, Kautilya Nagar, Baily Road, Patna-4.
3. The Executive Engineer, Bihar Police Building Construction Corporation, Muzaffarpur Division, Camp- Hajipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Singh, Advocate.
For the State : Mr. Asit Kumar Jha, AC to GP-2
For the Resp. Nos. 2 & 3 : Mr. Prasoon Kr. Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-02-2018

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for quashing the letter no. H.O 2680 dated 28.06.2016 issued by the Chief Engineer, Bihar Police Building Construction Corporation, Kautilya Nagar, Bailey Road, Patna (respondent no. 2) by which the petitioner has been debarred for a period of five years from participation in future tenders.

3. Learned counsel for the petitioner raises a short submission to question the validity of the impugned order dated 28.06.2016, to the effect that no prior show cause notice for debarment has been served on the petitioner.

4. Learned counsel for the respondent-State on the other hand seeks to oppose the writ petition pointing out that notices



were given to the petitioner for completion of work, reference is made to notice dated 07.06.2016 (Annexure-C) as well as notice dated 09.06.2016 (Annexure-D).

5. Having heard the parties and on a consideration of the materials on record, this Court finds merit in the writ petition. A perusal of the two notices referred to by learned counsel for the Corporation discloses that neither of them is in the nature of show cause notice requiring the petitioner to show cause why he should not be debarred. As such the impugned order of debarment cannot be sustained as the same has been passed in violation of natural justice and is accordingly hereby quashed. The matter is remanded to the Chief Engineer, Bihar Police Building Construction Corporation, Kautilya Nagar, Bailey Road, Patna (respondent no. 2) to issue proper show cause notice to the petitioner if the petitioner is proposed to be debarred.

6. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.02.2018
Transmission Date	N.A.

