

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22856 of 2013

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1. M/S Kumar Ram Ranjan Singh, Proprietorship Firm Having Its Registered Office At Village- Jit Jhingoy, Police Station- Khaira, District- Jamui Through Its Proprietor Kumar Ram Ranjan Singh, Son Of Sri Parmeshwar Singh Resident Of Village- Jeet Jhingoi, Police Station- Khaira, District- Jamui Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Rural Works Department, Patna
 2. The Principal Secretary, Rural Works Department, Government Of Bihar, Patna
 3. The Engineer-In-Chief, Rural Works Department, Government Of Bihar, Patna
 4. The Chief Engineer, Rural Works Department, Government Of Bihar, Patna
 5. The Superintendent Engineer, Rural Works Department, Work Division, Jhajha Jamui
 6. The Executive Engineer, Rural Works Department, Work Division, Jhajha Jamui
 7. The Principal Secretary, Minor Water Resources Department, Government Of Bihar, Patna
 8. The Engineer In Chief, Minor Water Resources Department, Government Of Bihar, Patna
 9. The Chief Engineer, Bhagalpur Zone, Minor Water Resources Department, Government Of Bihar, Patna
 10. The Superintending Engineer, Bhagalpur Zone, Minor Water Resources Department, Government Of Bihar, Patna
 11. The Executive Engineer, Minor Irrigation Division, Jhajha.... .. Respondent/s
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Appearance :

For the Petitioner/s : Mr. SANJEEV KUMAR

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-08-2018

The present writ petition has been filed for quashing the order bearing no. 11369 dated 04.10.2013 issued by the respondent Engineer in Chief, Rural Works Department, Government of Bihar whereby the petitioner and other contractors on ground of having slow progress of work/delayed work, the respondents have declared the petitioner as defaulter and have prohibited it from participating in further tenders; and for connected reliefs.



I.A. No 6245 of 2018

2. This Interlocutory Application has been filed for addition of the following prayers in the main writ petition –

“(v) To issue a writ in the nature of direction commanding the respondents to delete the name of the petitioner from the list of debarred contractors expeditiously without any further delay on the ground that despite recommendations having been made in the year 2015 to delist the name of the petitioner from the list of debarred contractors, the respondents are sitting over the matter, thereby causing prejudice to the petitioner.”

3. Having regard to the nature of prayer the Interlocutory Application is allowed forming part of the main writ petition.

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4. Learned counsel for the petitioner submits that the action of the respondents in allowing the order of debarment dated 4.10.2013 (Annexure-8) is wholly arbitrary.

5. It is submitted that the two works in question, for the non-completion of which the petitioner had been debarred, have since been completed as evident from the completion certificates vide letter no. 757 dated 12.09.2015 and letter no. 781 dated 15.09.2015 (Annexure 18 and 19). Letters have been written by the Superintending Engineer and the Chief Engineer-II



recommending that the name of the petitioner be deleted from the debarment list, but the matter remains pending.

6. Learned counsel for the respondents appears and has been heard.

7. Having regard to the nature of the grievance of the petitioner, I am of the view that the ends of justice will be met if the petitioner is granted liberty to approach the Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna (Respondent No. 3) with a representation for appropriate redressal. If any such representation is filed within a period of one week from today, the same shall be considered and disposed of by the respondent no. 3 within a further period of two weeks thereafter in accordance with law and after giving an opportunity of hearing to the petitioner.

8. Writ petition stands disposed of.

(Vikash Jain, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	----
Uploading Date	21-08-2018
Transmission Date	21-08-2018

