

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15415 of 2018

=====

Hiralal Gupta, son of Late Chandradeo Prasad Gupta, resident of village - Narayanpur, P.O. - Chak Narayanpur, P.S. - Sajour, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, 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, Bhagalpur.
5. The Superintending Engineer, Rural Works Department, Work Circle, Bhagalpur.
6. The Executive Engineer, Works Division, Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Alok Ranjan, Adv.
		Mr. Dhananjay Gupta, Adv.
For the Respondent/s	:	Mr.Patanjali Rishi, AC to AAG-6.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-03-2019 This writ application has been preferred for quashing of the letter dated 29.06.2017 as contained in Annexure '1' to the writ application by which the name of the petitioner has been put in debar list. It is the submission of the learned counsel for the petitioner that the letter as contained in Annexure '1' to the writ application was never communicated to the petitioner. It has been passed in violation of principles of natural justice and the decision to debar the petitioner from participating in the subsequent bids has been taken in a routine and mechanical



manner without there being any application of judicious mind. Learned counsel submits that the petitioner has already completed the work and this has been brought to the notice of the Executive Engineer, Rural Works Department, Works Division, Bhagalpur vide Letter dated 07.07.2018 as contained in Annexure '2' to the writ application but till date no decision whatsoever has been taken on the letter submitted by the petitioner.

On the other hand, learned counsel representing the State has opposed the submissions of learned counsel for the petitioner saying that the order of debarment was passed when the petitioner miserably failed to provide the maintenance work in terms of the agreement and despite several letters and reminders to the petitioner to carry on the maintenance work as per the scheme when he failed to do so, the respondents have no option but to put his name in the debar list. In this connection, reliance has been placed on Annexures 'D' and 'E' to the counter affidavit of the State. Learned counsel for the petitioner, however, has hasten to add that Annexures 'D' and 'E' were never served upon the petitioner because the address of the petitioner mentioned therein is incorrect.

Having heard learned counsel for the petitioner and



learned counsel representing the State, in the facts and circumstances of the present case, where it is the case of the petitioner that he has already completed the work and has represented to the Executive Engineer, Rural Works Department, Works Division, Bhagalpur, it would be just and proper to direct the Executive Engineer (Respondent No.6) to look into the request of the petitioner as contained in Annexure '2' to the writ application, examine the same and take a decision thereon within a period of 60 days from the date of receipt/production of a copy of this order. In case, it is found that the petitioner was debarred without giving any opportunity of hearing to him and the notice as contained in Annexures 'D' and 'E' to the counter affidavit were not sent on the correct address, it would only be just and proper for the Executive Engineer to take immediate steps to bring it to the notice of the Engineer-in-Chief who has passed the impugned order as contained in Annexure '1' to the writ application and shall be competent to take a remedial measure in the interest of justice. In any case, whole matter be examined and an appropriate reasoned order be passed within the aforesaid period of 60 days and the same be communicated to the petitioner forthwith.

The application stands disposed of with the aforesaid



observations and directions.

If any admitted dues is there and is found payable, it goes without saying that such payments be made to the petitioner.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

U			
---	--	--	--

