

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16477 of 2017

Abhishek Kumar S/o Amrendra Kumar, R/o Village- Chakia, P.O.-
Usari, P.S.- Mehandia, District- Arwal.

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Works Department, Bihar, Patna.
3. The Engineer In Chief, Rural Works Department, Bihar, Patna.
4. The Chief Engineer, Rural Works Department , Bihar, Patna.
5. The Superintending Engineer, Rural Works Department , Works Circle, Patna.
6. The Executive Engineer, Rural Works Department , Work Division, Paliganj.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.K.P. Gupta - GP-10

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-04-2019 The inaction on the part of respondent authorities writs large when this court finds that despite there being a communication from the Executive Engineer, Work Division, Paliganj to the Superintending Engineer, Works Circle, Patna as back as on 19.08.2017, vide Annexure-4 to the writ application, no action has been taken by the competent authority to consider the case of the petitioner to exclude his name from the debar list. Annexure-‘4’ to the writ application is supported by the statements made in paragraph-12 of the writ application.

In reply to the statements made in paragraph-12 of the



writ application, the respondents have, in their counter affidavit, stated that those are matters of record and hence it requires no comment. If this is the position, the inaction is proved.

Recently in a number of cases of similar nature coming to this court, the court finds that the authorities in the Works Department are sitting over these kind of the matters for years together. In some of the cases, the court has imposed cost upon the respondents, and in some cases, attention of the Principal Secretary of the Department has also been drawn towards the inaction.

The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna (Respondent No.4) is hereby directed to look into the matter, consider the communication as contained in Annexure-4 to the writ application and take an appropriate decision thereon within a period of 30 days from today, failing which the petitioner will be at liberty to move this court in an appropriate proceeding.

The attention of the Principal Secretary, Rural Works Department, Government of Bihar is also drawn to look into the nature of the present case in the light of the commitments made by the State in its litigation policy and ensure that similar nature of the cases are attended by the competent authority in the



Department within a time frame so that the unnecessary burden being created on the court due to inaction of the authorities of the Department may be reduced. All such cases of similar nature be reviewed in the light of the litigation policy of the State.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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