

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3817 of 2019

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Ravi Ranjan Kumar Raja, Resident of Parsahi Sirsiya P.O. Parsahi Sirsiya and
P.S. Khutauna Dist.-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Building Construction, Govt. of Bihar, Patna
2. The Secretary, Building Construction Department, Govt. of Bihar, Patna
3. The Engineer in Chief cum Additional Commissioner cum Special Secretary Department of Building Construction, Govt. of Bihar, Patna
4. The Chief Engineer (North) Department of Building Construction, Vishveshwariya Bhawan, Bailey Road Patna
5. The Superintending Engineer, Department of Building Construction, Darbhanga
6. The Executive Engineer, Department of Building Construction, Building Division Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal
For the Respondent/s : Mr. Raj Ballabh Pd. Yadav (AAG11)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 02-04-2019 This is yet another case which has come to the notice of this Court in which it is apparent from the materials available on the record that the respondent authorities in the Building Construction Department, Government of Bihar has acted in haste and passed the impugned order as contained in memo no.1018(bha) dated 28.01.2019 by which the registration of the petitioner has been placed under suspension for a period of one year. A similar case had come to this Court in CWJC No.2391 of 2019 which was allowed vide order dated 05.03.2019.



Mr. Kejriwal, learned counsel representing the petitioner submits the facts of this case are identical to the case in CWJC No.2391 of 2019. It is submitted that on a bare perusal of Annexure-2 to the writ application it would appear that by no stretch of imagination it may be said to be a show cause notice indicating that any action for suspension of the registration of the petitioner may be taken by the respondent authorities. Learned counsel submits that the show cause notice was only with respect to one work that too at the instance of the Departmental Minister which the petitioner had duly responded vide Annexure-3 to the writ application, but then without looking into Annexure-3 the Engineer in Chief-cum-Additional Commissioner-cum-Special Secretary, Building Construction Department has passed the impugned order by which the registration of the petitioner has been placed under suspension.

Learned counsel representing the State has, after some argument, accepted the position as appearing from the records particularly Annexure-2 and submits that so far as Annexure-2 is concerned, at least this document nowhere gives any impression that it is a show cause notice for any proposed action under the Bihar Contractors Registration Rules, 2007.

In the given facts and circumstances of the case, the



impugned order is set aside. The matter is remitted to the respondent no.3 for fresh consideration of the entire materials available on the record. The respondent no.3 shall proceed to consider the whole matter after giving an appropriate opportunity to show cause to the petitioner against the proposed action, if any, and shall consider the reply of the petitioner without being prejudiced by any recommendation of the Departmental Minister.

The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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