

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11174 of 2019

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M/s R. K. Construction a partnership firm having its head office at M.G. Road, Bye-pass Chowk, Aurangabad through its partner Sri Krishna Kumar Singh, aged about 57 years (Male), son of Late Ram Tirath Singh, resident of M.G. Road, Bye-pass Chowk, Aurangabad, P.S. and Dist.-Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Govt. of Bihar, Patna
2. The Secretary, Rural Works Department, Govt. of Bihar, Patna
3. The Engineer-in-Chief, Rural Works Department, Govt. of Bihar, Patna
4. The Superintending Engineer, Rural Works Department, Govt. of Bihar, Aurangabad
5. The Executive Engineer, Rural Works Department, Works Division, Daudnagar, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y. V. Giri, Sr. Adv. Mr. Raj Kishore Prasad, Adv.
For the Respondent/s	:	Mr. Manish Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-07-2019 Learned senior counsel for the petitioner has pointed out from the letter no.639 dated 10.05.2019 written by the Executive Engineer, Rural Works Department, Works Division, Daudnagar to the Superintending Engineer, Works Circle, Aurangabad that after the petitioner completed the work, the Executive Engineer has recommended to delete the name of the petitioner from the debar list. It is submitted that despite the communication, as contained in letter no.639 (Annexure-2), no further action has been taken to remove the name of the



petitioner from the debar list which is causing day to day hindrance in the business of the petitioner.

Learned counsel for the State is present and submits that, in the given facts and circumstances, this Court may issue an appropriate direction to the competent authority to look into Annexure-2 to the writ application and pass an appropriate order thereon within a stipulated period.

Having heard learned senior counsel for the petitioner and learned counsel representing the State, this Court is of the considered opinion that once the Executive Engineer has recommended for removal of the name of the petitioner from the debar list, the authorities whosoever competent to take a decision in this regard must act swiftly and without further delay to take a decision thereon.

The Court has been informed that the respondent no.3 i.e. the Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna would be the competent authority to do that.

In that view of the matter, this Court directs respondent no.3 to look into the letter no.639 dated 10.05.2019 written by the Executive Engineer addressed to the Superintending Engineer of the Department in Works Circle,



Aurangabad and take an appropriate decision thereon in the light of the recommendation within a period of 30 days from the date of receipt/production of a copy of this order.

Subject to the decision of the respondent no.3, let the petitioner be permitted to participate in the future tender.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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