

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24911 of 2018

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M/s Satyam Enterprises Through Its Partner Krishna Murari Son of Late Ram Narayan Yadav, Resident of Mohalla- Narayan Nagar, P.S- Mufassil, District- Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Rural Work Department Bihar, Patna.
3. The Engineer in Chief, Rural Work Department, Bihar, Patna.
4. The Chief Engineer, Rural Work Department, Bihar, Patna.
5. The Superintending Engineer, Rural Work Department, Work Division, Gaya.
6. The Executive Engineer, Rural Work Department, Work Division, Gaya.
7. The Executive Engineer, Rural Work Department, Work, Division, Imamganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Kameshwar Pd. Gupta- Gp10

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-03-2019 Learned counsel for the petitioner submits that the petitioner was earlier debarred vide order as contained in Memo No.7567 dated 22.06.2016 contained in Annexure '4' to the writ application on the ground that he had not completed the work in terms of the agreement in question. It is submitted that now the petitioner has already completed the work which would be evident from Annexure '5' to the writ application which is the progress report of the work in question. It is submitted that in these circumstances, the order of debarment is required to be



recalled.

It appears from perusal of the writ application that after completion of the work the petitioner has not represented before the authority who had passed the impugned order dated 22.06.2016 as contained in Anneuxre '4' to the writ application. In the opinion of this Court, before filing this writ application, the petitioner should have brought this matter to the notice of the concerned authority who would have considered the request of the petitioner and would have taken a decision thereon. The writ application seems to be premature and is, thus, not entertained for the relief prayed.

If the petitioner represents before the concerned authority, Engineer-in-Chief (Respondent No.3) within a period of four weeks from today with all relevant materials showing that he has completed the work in question, the same shall be considered by Respondent No.3 and a decision thereon shall be taken and be communicated to the petitioner within a period of 60 days from the date of submission of the request.

The writ application is, thus, disposed of in terms stated hereinabove.

If the petitioner requests for any interim relief allowing him to participate him in future tender during



pendency of consideration of the request of the petitioner with respondent no.3, the same shall be considered by the respondent no.3 within a period of seven days from the date of his submission of request.

(Rajeev Ranjan Prasad, J)

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