

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15164 of 2019

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Prashant Kumar Son of Late Shivendra Prasad Singh Resident of Sarrahi Mor
Cowk, Naya Bazar, Ward No. 3, Police Station-Saharsa, District-Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Patna
2. The Principal Secretary Building Construction Department, Patna
3. The Engineer in Chief Building Construction Department, Patna
4. The Chief Engineer Building Construction Department, Northern Region, Patna
5. The Superintending Engineer Building Division, Saharsa
6. The Executive Engineer Building Construction Department, Building Division, Saharsa

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate
For the Respondent/s : Mr. Chitarnjan Sinha (PAAG2)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 06-02-2020

Heard Mr. Satish Kumar Singh, learned advocate
for the petitioner and Mr. Anujit Sinha for the
respondent/Building Construction Department.

The order under challenge is dated 24.05.2019,
issued by the Executive Engineer, Building Division,
Saharsa whereby the petitioner has been debarred for his
not having completed the work within the scheduled time



and has also prevented from taking part in any further tender by the department.

Though the petitioner has raised several grounds in order to sustain the challenge against the order impugned but those may not be necessary to be adjudicated for the simple reason that the order clearly reflects that no notice was served upon the petitioner before the order of debarment and preventing him from taking part in further tender has been passed.

Times without number, this Court as well as the Apex Court has held that such orders which visit a person with penal/necessary consequences, a preceding notice and consideration of the grounds urged by the noticee is a must. On this issue alone, the order of debarment cannot be sustained in the eyes of law.

This Court is left with no other alternative but to set aside the order dated 24.05.2019.

The Executive Engineer, Building Division, Saharsa (respondent no. 6) is directed to pass a fresh



order in accordance with law after serving a show cause notice to the petitioner and giving him ample time to represent his cause. Needless to state that no order shall be passed without adverting to the grounds raised by the petitioner in his reply to the show cause notice. The entire exercise shall be completed within a period of sixty days, to be counted from the day of production/receipt of a copy of this order.

With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2020
Transmission Date	

