

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7852 of 2020

=====

Yaswant Sinha, son of Mithilesh Kumar Sinha, resident of Bharat Prasad Lane, Salempur, Chapra, P.s.- Chapra, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Patna.
2. The District Magistrate, Saran, Chapra.
3. The Municipal Commissioner, Nagar Nigam, Chapra.
4. The Superintendent of Police, Saran, Chapra.
5. The Additional Collector, Saran, Chapra.
6. Sub Divisional Magistrate, Saran, Chapra.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Adv.
For the Respondent/s : Mr.Lalit Kishore (Ag)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
Date : 22-02-2021

The present writ petition has been filed seeking quashing of the order contained in Memo dated 17.08.2020 issued by the Municipal Commissioner, Nagar Nigam, Chapra whereby and where-under the work order issued to the petitioner i.e. 10.08.2020 has been kept in abeyance.

The brief facts of the case are that the respondent no. 3 had issued a public notice in the local newspaper as well as a notice was pasted on the notice Board of Chapra Nagar Nigam for the purposes of settlement of contract pertaining to the hordings in question. The petitioner along with two others had



participated in the bid and upon preparation of the merit list, it was found that the petitioner had offered the highest amount for the bid in question and, accordingly, the petitioner was selected for the said work in question and vide order dated 10.08.2020, the respondent no.3 had issued work order, however, without assigning any reason or without giving show cause notice to the petitioner, the respondent no.3 has issued an order dated 17.08.2020 whereby and where-under the work order dated 10.08.2020 has been kept in abeyance.

The learned counsel for the petitioner has submitted that the work order in question has been kept in abeyance by the aforesaid order dated 17.08.2020 without disclosing any reason as well as without issuing any show cause notice to the petitioner, thus, the said order dated 17.08.2020 has been issued in violation of the principles of natural justice, hence, the same is fit to be quashed.

Per contra, the learned counsel for the respondents has submitted that the respondent no.3 had received certain complaints regarding the selection process and thereafter he had thought it proper to keep the work order of the petitioner in abeyance.

Having regard to the facts and circumstances of the



case and considering the submissions made by the learned counsel for the parties, this Court finds that after the work order was issued to the petitioner vide order dated 10.08.2020, without issuing any show cause notice or without giving any cogent reason, the Respondent No. 3 has kept the work order of the petitioner in abeyance vide the impugned order dated 17.08.2020, which is completely in violation of the principles of natural justice, thus, the impugned order dated 17.08.2020 is unsustainable in the eyes of law, hence, the same is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.02.2021
Transmission Date	N/A

