

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13828 of 2021

Uma Shankar Singh Son of Late Chattulal Singh, Resident of Vill. - Narayan
Nagar, P.O. - Gurukul Mohiya, P.S. - Chapra Muffasil, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer - in - Chief, Rural Works Department, Government of Bihar, Patna.
3. The Special Secretary Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer -3, Rural Works Department, Government of Bihar, Patna.
5. The Superintending Engineer, Work Circle Sitamarhi, Rural Works Department, District - Sitamarhi.
6. The Executive Engineer, Work Division Pupri, Rural Works Department, Pupri, District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Sr. Advocate Mr. Bhola Kumar
For the Respondent/s	:	Mr. Kameshwar Pd. Gupta (GP-10) Mr. Satya Vrat, AC to GP-10

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 15-12-2021 Following are the reliefs which the petitioner is seeking in the present application under Article 226 of the Constitution of India:-

“a) To quash Letter No. 1022 dated 29.06.2021 whereby and whereunder agreements BR-33R-308 and



BR-33R-309 awarded to the petitioner were rescinded in contravention of the terms of agreement and without following the principles of natural justice and in utter violation of the settled position of law in this regard.

b) To quash Letter No. 1967 dated 07.07.2021 issued by Respondent No.2, so far it relates to the petitioner, whereby and whereunder the petitioner was debarred from participating in future tenders, without following the principles of natural justice, in utter violation of the Bihar Contractor Registration Rules, 2007 as well as judicial pronouncements in this regard.

c) For a further direction upon the Respondents to release and make payment of all the pending bills of the petitioner for maintenance work undertaken pursuant to 10 tenders (details provided in paragraph 4 hereinafter) which has been kept pending despite completion of work by the petitioner to the satisfaction of the Respondent Authorities.

d) For a further direction upon the Respondents to not to give effect to impugned orders as contained in Letter No. 1022 dated 29.06.2021 and Letter No. 1967 dated 07.07.2021 during the



pendency of the writ application.”

Mr. Ashok Kumar Choudhary, learned Senior Counsel, appearing on behalf of the petitioner has submitted that the petitioner's first relief as regards challenge to the order dated 29.06.2021 has become infructuous with the passing of an order by the Empowered Standing Committee of the Rural Works Department, Government of Bihar, whereby, the said order has been set aside.

This is apparent, however, that the petitioner did not assail the subsequent communication dated 07.07.2021, whereby, the petitioner has been debarred in participating in future tender, before the appropriate authority/Empowered Standing Committee.

It is observed that the petitioner shall have the liberty to assail the said order dated 07.07.2021 before the appropriate authority. If he does so, within two weeks from today, the Court expects that the competent authority shall decide the same within a period of two months thereafter.

In respect of other reliefs as sought for by the petitioner, it is observed that he shall be at liberty to pursue his matter before the appropriate competent authority for payment of all pending bills.



This application stands disposed of with the aforesaid observation and direction.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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