

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8777 of 2020

Star Build Max Pvt. Limited, Balua Tal, Motihari, District- East Champaran through its Proprietor Parvez Ahmad Khan, aged about 47 years, Gender- Male, Son of Haseen Ahmad Khan, Resident of Balua Tal, Motihari, P.O.- Motihari, P.S.- Motihari Town, District- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary cum Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
3. The Chief Engineer (North), Road Construction Department, Road Division, Darbhanga.
4. The Superintending Engineer, Road Construction Department, Road Circle, Darbhanga.
5. The Executive Engineer, Road Construction Department, Road Division, Darbhanga.
6. The Executive Engineer, Flying Squad - 3, Road Construction Department, Government of Bihar, Patna.
7. The Junior Engineer, Road Construction Department, Road Division, Darbhanga.
8. The Assistant Engineer, Road Construction Department, Road Division, Darbhanga.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Ranjeet Kumar, Advocate Mr. Kundan Kumar, Advocate Mr. Yogesh Kumar, Advocate
For the Respondents	:	Mr. Manoj Kumar Ambastha, S.C.-26

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

C.A.V. JUDGMENT

Date : 21-10-2021

The petitioner is a company registered as Class-I contractor under Bihar Contractors Registration Rules, 2007, issued in the nature of office order by the Road Construction



Department, Government of Bihar. It was awarded certain work relating to construction of road in 2015.

2. By an order dated 27.12.2019, issued by the Engineer-in-Chief, Road Construction Department, Patna (respondent No.2), the petitioner has been black-listed for a period of 15 years in exercise of power under Rule 11(A)(ii) of the Rules of 2007 read with 8.1.B of the Departmental Order No.154 as contained in Memo No.5403(S). The said order of black-listing was challenged by the petitioner before this Court by filing a writ petition giving rise to C.W.J.C. No. 1127 of 2020 on various grounds including the ground that the show cause notice issued to the petitioner before issuance of the order of black-listing did not indicate about the proposed final action in the event the explanation in response to the show cause notice was not found satisfactory. Reliance had been placed on Supreme Court's decision in case of ***Gorkha Security Services vs Govt. of NCT of Delhi & Ors.***, reported in **(2014) 9 SCC 105**. A coordinate Bench of this Court, upon looking into the tenor of the show cause notice issued by the Department, in its order dated 21.01.2020 passed in the said C.W.J.C. No. 1127 of 2020, reached a conclusion that the show cause notice could not be faulted with on the said ground. In respect of the other grounds taken by the petitioner, the coordinate



