

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4405 of 2021

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Neha Singh wife of Sri Sudarshan Kumar Singh resident of Swaraj Sadan,
Anand Vihar Colony, Kazipur, P.S. Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Engineer in Chief (Works Management)cum Additional Commissioner cum Special Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Chief Engineer, National Highway Wing, Road Construction Department, Bihar, Patna.
4. The Superintending Engineer, National Highway Circle, Bhagalpur, District Bhagalpur, Bihar.
5. The Executive Engineer, National Highway Division, Bhagalpur, District Bhagalpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Adv.
For the State	:	Mr. A.K.Dubey, AC to AAG-11

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

6 23-03-2022 The petitioner has posed a challenge to the order dated 3.12.2020 whereby the petitioner has been blacklisted for a period of 10 years in terms of Clause 11(क) (vii) of the Bihar Contractors Registration Rules, 2007 read with Clause 8(1)(d) of order no. 154 dated 18.6.2015, issued by the Road Construction Department, Government of



Bihar, Patna. His basic grievance is that the action of the Respondent is arbitrary and mala fide. The show cause notice initially issued to the petitioner did not mention any proposed punishment. He was thus handicapped to give a proper reply to the same.

We are conscious of the fact that against the impugned order passed, remedy of appeal is available to the petitioner under Clause 11 of the Bihar Contractors Registration Rules, 2007 before the Principal Secretary, Road Construction Department, Government of Bihar, Patna. Admittedly, this remedy has not been availed by him.

We thus deem it fit and proper to relegate the petitioner to the said remedy. We make it clear that no question of delay or bar of limitation shall stand in his way, if the Appeal is filed within a period of two weeks from today.

The learned counsel for the petitioner shall also be given liberty to cite any judgment on which he seeks to place reliance.



The Principal Secretary, Road Construction Department, Government of Bihar, Patna, shall act strictly as per law and on the basis of the materials available on record and he shall not be swayed by any affidavit or stand taken by any junior officer before any Court.

The writ petition stands disposed off.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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