

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1124 of 2020

=====

M/s Khushee Construction through its Power of Attorney, Namely, Shree Rajeev Kumar, age about-32 years, Gender-Male, Having its Office at - Village and Post- Rampur Dumra, P.s.- Maranchi District- Patna (Bihar), Pin Code-803301.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
2. The Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
3. The Engineer-in-Chief cum Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
4. The Chief Engineer, Design, Public Health Engineering Department, Bihar, Patna
5. The Chief engineer, (Zonal) Public Health Engineering, Zone, Punea, Bihar
6. The Superintending Engineer, Public Health Engineering Circle, Saharsa, Bihar
7. The Executive Engineer, Public Health Engineering Division, Saharsa, Bihar

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate Mr. Baban Kumar, Advocate Mr. Prashant Prakash, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (SC-4)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-09-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- I. For issuance of a writ /order/direction in the nature of a writ of certiorari to quash/set aside the letter dated

27.12.2019 issued by respondent no- 7 i.e. Executive Engineer, Public Health Division, Saharsa whereby the petitioner was recommended for suspension of its registration and blacklisting without any show cause notice and without providing an opportunity of hearing and in complete violation of Principles of Natural Justice.

II. For issuance of a writ /order/direction in the nature of a writ of certiorari to quash/set aside the office order no- 80 dated 27.12.2019 by which respondent no-7 i.e. Executive Engineer, Public Health Division, Saharsa has cancelled all 47(groups) Letters of Acceptance (LOA) pertaining to Notice Inviting Tender (NIT) No-MNI-SHC-11/2019 without any Show Cause Notice and without providing an opportunity of hearing and in complete violation of Principles of Natural Justice.

III. For issuance of a writ order or direction in the nature of writ of mandamus directing the respondents not to take

any action for the alleged lapses on the part of petitioner in execution of the documents and submission of the Earnest Money Deposit (EMD) or not to blacklist them without giving an opportunity of being heard and without issuing show cause notice in writing, since same has been issued in complete violation of Principles of Natural Justice.

IV. For that the any proposed action or recommendation of the respondent no-7 and other respondents for blacklisting the petitioner as mentioned in letter dated 27.12.2019 and the office order no-80 dated 27.12.2019 by which respondent no-7 i.e. Executive Engineer and other respondents, Public Health Division, Saharsa has cancelled all 47(groups) Letters of Acceptance (LOA) pertaining to Notice Inviting Tender (NIT) No-MNI-SHC-11/2019 without any show cause notice and without providing an opportunity of hearing and in complete violation of Principles of Natural Justice may kindly be stayed during the pendency of this writ petition.

V. For any relief/reliefs as your Lordships may deem fit and proper in the fact and circumstances of this case.

Learned counsel for the petitioner seeks permission to
withdraw this petition.

Permission is granted.

This petition is disposed of as withdrawn.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	