

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7055 of 2021

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M/S Realty Advance Structure Enterprises Pvt. Ltd., Head Office-House No. 955, Maurya Path, Khazpura, Near Pillar No. 15, Bailey Road, Patna-14, through its director Mukesh Kumar, aged about 46 years (Male), son of Basant Singh Village-Jethiyara, P.S.-Parasbigha, Distt-Jehanabad.

... .. Petitioner/s

Versus

1. That State of Bihar, through its Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
2. The Engineer-in-Chief, Rural Works Department, Govt. of Bihar, Patna.
3. The Chief Engineer-I, Rural Works Department, Patna.
4. The Superintendent Engineer, R.W.D. Work Circle, Gaya.
5. The Executive Engineer, R.W.D. Work Division, Tekari, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Respondent/s : Mr. Kumar Alok, SC-7

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

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 04-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief/s :-



That through this writ petition, petitioner craves indulgence of this Hon'ble Court for issuance of an appropriate writ in the nature of Mandamus commanding them for execution of an agreement in favour of the petitioner for the contract work namely "Construction of High Level R.C.C Bridge over Jamune River in between Dighoura and Laxmipur Village" falls under R.W.D work Division, Tekari to which petitioner was declared duly qualified in technical as well as in financial bid among the tender~~ers~~ consequently choosen for being awarded the contract accordingly acceptance letter was directed to be issued, but upon a complaint made by One of tender~~er~~^s against the petitioner, matter remained pending and final decision has yet to be taken however issue raised in the complaint now does not exist and there is no issue left to be decided by the respondents on complaint.



After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the respondent concerned to consider and take a final decision in the notice to show cause, issued vide communication No. 1808 dated 09.06.2020, which is yet pending.

We dispose of the present petition with a direction to Respondent No. 2, namely The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna, to positively take a decision on the show cause notice issued against the petitioner expeditiously, preferably within a period of three months from the date of presentation of a copy of this order.

We notice that the work pertains to the construction of R.C.C. Bridge over Yamune river in between Dighoura and Laxmipur Village. As such, we clarify that pendency of the action against the petitioner shall not come in the way of the respondent authorities in taking steps for expeditious completion of the work, for public work cannot be allowed to suffer.

The petition is disposed of in the aforesaid terms.



Interlocutory application, if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/K.C.Jha

AFR/NAFR	
CAV DATE	
Uploading Date	07.01.2022
Transmission Date	

