

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4261 of 2020

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Narayan Construction, Proprietor Anju Kumari, aged about 34 years, Gender-Female, Wife of Arunjay Kumar Singh, Resident of Bahuara Bhuiya Vigha, Ledhaanchal, P.S. Deo, District- Aurangabad, Presently residing at Sainik Colony, near ITI School, Dumardaga, P.S. Khelgaun, P.S. Soognu, District and Town- Ranchi, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Vishweshwariya Bhawan, Bailey Road, Patna.
2. The Engineer-in-Chief, Rural Works Department, Vishweshwariya Bhawan, Bailey Road, Patna.
3. The Chief Engineer-2, Rural Works Department, Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Work Circle, Madhepura.
5. The Executive Engineer, Rural Works Department, Works Division, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lal Babu Singh, Advocate

For the Respondent/s : Ms. Archana Meenakshee, GP 6

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 28-06-2022 Heard learned counsel for the parties.

The petitioner has impugned the Order No. 67 dated
09.01.2020, whereby Executive Engineer, Rural Works
Department, Road Division, Supaul has rescinded the agreement



entered between the parties and forfeited the earnest money and security deposit in connection with the work of construction of road Maharaji Tola to Sanghi Tola (Block-Kishanpur) under GTSNY and direct the petitioner to present at the work site for final measurement. Further, seeking a direction to the respondents to make payment of unpaid bill to the petitioner for the work already executed by him.

During the course of arguments, counsel for the petitioner main plea was that a notice was served on him on 03.01.2020 but without waiting for his reply, the impugned order was passed cancelling the contract.

Learned counsel for the respondents submits that the petitioner has an alternative remedy of filing appeal/representation before the Empowered Standing Committee which he did not exhaust.

On a query being put to learned counsel for the petitioner whether he is ready to exhaust the said remedy, he is agreeable.

Under the circumstances, the writ petition is disposed off with a direction that in case the petitioner files appeal/representation before the Empowered Standing Committee within fortnight from today, all his pleas shall be



examined by the Committee and a decision thereon shall be taken within three months thereafter.

The writ petition stands disposed off.

(Rajan Gupta, J)

(Shailendra Singh, J)

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