

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6004 of 2019

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Pramod Kumar Singh, son of Late Ram Pravesh Singh resident of Village
Bisaini Kala, P.S. Rajpur, District Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department,
Government of Bihar, Patna.
2. The Additional Chief Executive Officer cum Secretary, Bihar Rural Road
Development Authority, Rural Works Department, Bihar, Patna.
3. The Chief Engineer- 1, Rural Works Department, Government of Bihar,
Patna.
4. The Superintending Engineer, Works Circle Sasaram, District Sasaram,
Bihar.
5. The Executive Engineer RWD Works Division, Dehri, District Sasaram,
Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, 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)

Date : 17-10-2022

Re.:- Interlocutory Application No. 01 of 2022

For the reasons mentioned in the application, the
prayer made for amendment in paragraph No. 1 by adding
prayer I(iv), is allowed.

I.A.No. 01 of 2022 stands disposed of.



Re.: CWJC No. 6004 of 2019

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

“(i). For quashing of the Letter No. 77 dated 15.02.2019 (Annexure 3) by the Executive Engineer, whereby without adverting to any of the contentions raised by the petitioner, the Executive has directed to commence the work on the basis of the defective estimate;

(ii) Direction upon the respondents to revise the estimate and include the provision of earth work, subgrading and GSB in the agreement; and

(iii) Alternatively direct the respondents to close the Agreement and refund the security deposit of the petitioner.

(iv) Quashing of an order issued vide Memo No. 3184 dated 04.09.2020 passed by Respondent No. 3 by which the petitioner (Registration No. 2180453) has been black listed from the Register roll of Contractors for the period of ten years without applying his judicial approach and without giving reasonable opportunity of being heard to the petitioner.”

It is not in dispute that prior to passing of the impugned order dated 4.9.2020 (Annexure-7 to the Interlocutory Application) whereby petitioner was blacklisted for a period of 10 years, statutory notice of 15 days to show cause was never issued to the petitioner.

We do not find the impugned order dated 04.09.2020 (Annexure-7), passed by the Respondent No. 3, namely, The Chief Engineer-I, Rural Works Department,



Government of Bihar, Patna, to have been passed in compliance with the principles of natural justice. Passing of the order entails civil consequences, inasmuch as the petitioner stands blacklisted/debarred from the roll of contractors for a period of ten years from the date of passing of the order. Also, we find the order to have been passed not in compliance with the directions issued by this Court vide order dated 20.02.2018 passed in CWJC No. 16989 of 2017, titled as **Raman Kumar Singh Vs. Bihar State Food and Civil Supplies Corporation Ltd., Bihar Patna & Ors.**, wherein also the earlier order passed by the respondent blacklisting/debarring the petitioner for an indefinite period stood quashed.

Vide current impugned order, the respondents have not assigned any reason, much less plausible, for having blacklisted/debarred the petitioner for a period of ten years. The principle of proportionality has not been considered. The effect of blacklisting/debarment entails both civil and penal consequences.

As such, on this short ground alone, the impugned order 04.09.2020 (Annexure-7), passed by the Respondent No. 3, namely, The Chief Engineer-I, Rural Works Department, Government of Bihar, Patna is quashed and set aside reserving



liberty to the respondent to issue fresh notice affording opportunity to respond to show cause and thereafter pass a reasoned order.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	21.10.2022
Transmission Date	

