

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6699 of 2019

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Pramod Kumar Singh, Male, aged about 50 years, 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 Chief Engineer-1, Rural Works Department, Government of Bihar, Patna.
3. The Superintending Engineer, Works Circle Sasaram, District- Sasaram, Bihar.
4. 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, Advocate
For the Respondent/s : Mr. Manoj Kumar, AAG-6

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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 1(iii), is allowed.

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

Re.: Interlocutory Application No. 02 of 2022

For the reasons mentioned in the application, the prayer made for amendment in paragraph No. 1 by adding



prayer 1(iv), is allowed.

I.A.No. 02 of 2022 stands disposed of.

Re.: CWJC No. 6699 of 2019

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

“(i) Quashing of the Letter No. 78 dated 15.02.2019 (Annexure 4) issued by the Executive Engineer (Respondent No. 5) whereby in spite of the fact that the work has been already completed, the petitioner has been directed to complete the remaining work failing which the invocation of liquidated damages clause as per the Rules is contemplated; and

(ii) Direction for release of the payment in connection with the completed construction of the rescinded road from Dehri Rajpur PWD Road to Gamhariya (L 026).”

(iii) Quashing of the letter no. 275 dated 03.07.2009 issued by the Executive Engineer, Rural Works Department, Works Division, Dehri by which, without issuing any show cause notice, or seeking any explanation the Agreement with the petitioner has been rescinded.

(iv)Quashing of an order issued vide Memo No. 3203 dated 07.09.2020 passed by Respondent No. 2 on 04.09.2020 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 opportunity of being heard to the petitioner.”



It is not in dispute that prior to passing of the impugned order dated 4.9.2020 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, 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 15.02.2019, 03.07.2019, and 04.09.2020, passed by the Respondents are quashed and set aside reserving liberty to the respondents 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	

