

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6153 of 2022

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Uma Shankar Singh, Son of Late Ram Karan Singh, Resident of L.F. 44, Sri
Krishnapuri, Boring Road, P.S. - Krishnapuri, District and Town - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, Patna.
2. The Principal Secretary Road Construction Department, Visheweshraiya
Bhawan, Bailey Road, Patna.
3. The Engineer - in - Chief, Road Construction Department, Visheweshraiya
Bhawan, Baileyb Road, Patna.
4. The Chief Engineer, South Bihar, Road Construction Department, Bihar,
Patna.
5. The Superintending Engineer, Road Construction Department, Central Road
Circle, Patna.
6. The Executive Engineer, Road Construction Department, New Capital, Road
Division, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lal Babu Singh, Adv
For the Respondent/s : Mr.Uday Shankar Sharan Singh (GP 19)

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

Date : 20-06-2022

Heard learned counsel for the parties.

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

- (i) For quashing of the order of the respondent Engineer-In-Chief, Road Construction Department, Bihar, Patna contained in Memo No. 7049 dated 09.10.2020 (Annexure-6) whereby and whereunder, the registration of the petitioner (Registration No. 2180003) has been suspended for two years under Bihar Contractors Registration Rule, 2007 and the departmental Memo No. 4104 dated 28.10.2009.
- (ii) For a further direction to the respondents not to act upon the order of suspension of registration of the petitioner dated 09.10.2020 contained in Memo No. 7049 (Annexure-6) as if the order of suspension of registration never existed.
- (iii) For a direction to the respondents to allow the petitioner to participate in the tender process in relation to the tender notwithstanding the suspension of registration of the petitioner.
- (iv) For appropriate declaration that: -
 - a) The reply of the petitioner has been completely ignored and not considered by the respondent Engineer-In-Chief and the impugned order has been passed without assigning any reason and as such, the impugned order is arbitrary and violative of principles of natural justice and fair play.
 - b) Giving reasons for the decision is of the essence and is virtually part of due process and procedure established by law.

- c) The entire proceeding against the petitioner under Bihar Contractors Registration Rule, 2007 is based on non-est ground and in the facts and circumstances of this case it is totally without jurisdiction.
- d) The inspection of the flying squad was conducted behind the back of the petitioner and as such, the report could not have been basis for taking action of suspension of registration of the petitioner under Bihar Contractors Registration Rule, 2007.

Petitioner's appeal against the order dated 09.10.2020 (Annexure-6) is pending consideration with the Secretary, Road Construction Department, Govt. of Bihar, Patna. According to the petitioner the same was preferred on 19.08.2021, and has yet not been decided.

We see no reason as to why the appeal ought not to have been decided, if not already done so within a reasonable period of time.

Nonetheless accepting the petitioner's contention, we direct the petitioner to appear on 07.07.2022 before the appropriate Appellate Authority, who shall

consider and decide the petitioner’s appeal within 2 weeks thereafter.

The writ petition stands disposed of.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	
Transmission Date	NA