

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6333 of 2022

M/S Ajay Associates a proprietorship firm having its registered office at 37 Mohaddipur, Gorakhpur, U.P. through its Proprietor Sri Ajay Kumar Singh, male, aged about 54 years, son of Sri Prahlad Singh, resident of 37, Mohaddipur, P.S. Cant, District Gorakhpur, U.P.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. Joint Secretary, Rural Works Department, Government of Bihar, Patna.
4. Deputy Secretary, Rural Works Department, Government of Bihar, Patna.
5. Engineer--in-Chief Rural Works Department, Government of Bihar, Patna.
6. Chief Engineer-3, Rural Works Department, Government of Bihar, Patna.
7. Superintending Engineer, Rural Works Department, Works Division, Bagaha- II, West Champaran.
8. The Executive Engineer, Rural Works Department, Works Division, Bagaha - II, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Advocate Ms. Shivani Dewalla, Advocate Mr. Sumit Kumar Jha, Advocate
For the Respondent/s	:	Mr. Kumar Alok, SC-7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-06-2022

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

- i. To issue writ/order or direction in the nature of Certiorari for quashing the office order no. 5 dated 01.01.2018 issued under the signature of the Engineer in-Chief, Rural Works Department, Government of



Bihar, Patna by which the petitioner has been blacklisted for the period of 15 years, merely relying upon the recommendation of the Chief Engineer contained in Memo No. 6808 dated 25.09.2017, without applying its independent mind.

ii. To hold and declare that the impugned order of blacklisting for indefinite period (15 years) without any valid show cause notice is violative of Article 14 and 19(1)(g) of the Constitution of India.

iii. For a direction to the respondent authorities to make payment of entire due amount including the amount of security deposit of the petitioner in connection with agreement no. 12/2009-10 dated 25.01.2010.

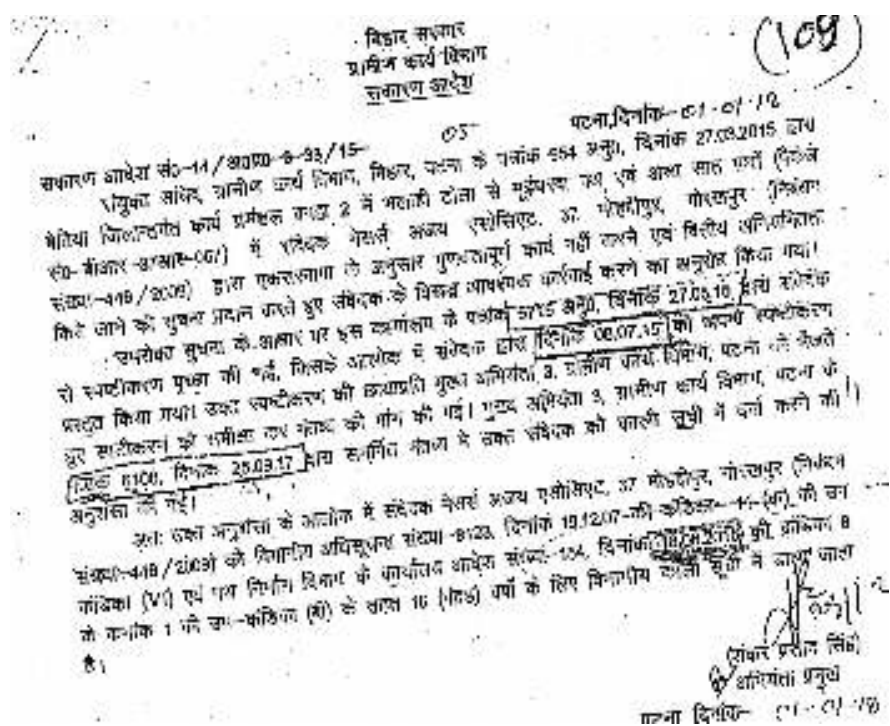
iv. For staying the operation of impugned order dated 01.01.2018 passed by the Engineer-in-Chief, Rural Work Department, Government of Bihar, Patna as contained in Annexure-23 of this petition till the disposal of this writ petition.

v. To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

Shri Ashish Giri, learned counsel for the petitioner states that the impugned order dated 01.01.2018 issued by the Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna (Annexure- 23 Page No. 109) was never ever served upon the petitioner who learnt of the same only when he approached the respondents for release of payment of the work executed in terms of



The impugned order dated 01.01.2018 (Annexure-23 Page No. 109) reads as under:-



We notice that the impugned order is absolutely



cryptic and unreasoned, apart from the fact that the authority passing the order had never ever issued any notice to show cause to the petitioner nor was petitioner afforded any opportunity of hearing or put forth his defence. Also, the order does not justify the basis on which the petitioner stands black-listed for a period of 15 years. Order of black-listing entails civil consequences. Hence, on all counts, the impugned order needs to be quashed.

Accordingly, impugned order dated 01.01.2018 passed by Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna (Respondent no.5) (Annexure- 23 Page No. 109) is quashed and set aside reserving liberty to the appropriate authority to issue a fresh order, should the need so arise and take appropriate action in accordance with law.

Shri Ashish Giri, learned counsel for the petitioner, clarifies that should the authority take any action, petitioner shall fully cooperate and not seek any unnecessary adjournment.

Still further, it stands clarified that the order shall be passed in full compliance of the principles of natural justice and should the petitioner feel any need to take up the



matter any further, it shall be open to do so in accordance with law.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	23.06.2022
Transmission Date	

