

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7070 of 2022

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Sujay Bhan Singh Son of Late Shyam Prakash Singh Resident of Mohalla-
Bundelkhand, Gondapur, P.S.- Nawada, District- Nawada- 805110.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Vishweshwariaya Bhawan, Bailey Road, Patna- 15.
2. The Principal Secretary, Building Construction Department, Vishweshwariaya Bhawan, Bailey Road, Patna- 15.
3. The Engineer-In- Chief- Additional Commissioner-Cum- Special Secretary, Building Construction Department, Vishweshwariaya Bhawan, Bailey Road, Patna- 15.
4. The Chief Engineer (South), Building Construction Department, Vishweshwariaya Bhawan, Bailey Road, Patna- 15.
5. The Superintending Engineer, Building Construction Department, Building Circle, Gaya.
6. The Executive Engineer, Building Construction Department, Building Division, District- Nawada- 805110.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narain,, Sr. Advocate
Mr.Manish Sahay, Advocate
For the Respondent/s : Mr.Syed Iqbal Ahmad (SC20)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-06-2022

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



- (I) **For quashing** of reasoned order (सकारण आदेश), issued vide letter No. 716 (Bha) Patna dated 31.01.2022 under signature of the Secretary, Building Construction Department, Bihar, Patna, as contained in **Annexure-P-17**, whereby and where under the said authority has rejected the appeal dated 25.11.2021 of the petitioner without considering the material facts as well as grounds of memo of appeal as mentioned therein and affirmed the order of suspension dated 22.10.2021, passed by Respondent No. 3 (i.e. Engineer - In - Chief - Cum - Additional Commissioner – Cum - Special Secretary).
- (II) **For further quashing of** Letter No. 6138 (Bha) Patna dated 22.10.2021, passed by the Engineer-In-Chief-cum-Additional Commissioner-cum-Special Secretary, Building Construction Department, Bihar Patna, as contained in **Annexure-P-15**, Whereby and where under the said authority, without considering the material facts, has suspended the Registration No. BCD-1190053 (Class-1) of the petitioner for a period of three years from the date of its issuance (i.e. from 22.10.2021).



- (III) **For declaring** that the actions of the respondents are contrary to settled principle of law in a case of **Gorkha Securities Services Vs. Government (NCT of Delhi) & Ors.**, reported in (2014) 9 SCC 105 as well as several decisions passed by the Hon'ble Supreme Court as well as by this Hon'ble Court.
- (IV) **For passing** such an order or orders under which the petitioner is entitled under the law in the fact and circumstance of this case.

We notice that the original order passed by the authority dated 22.10.2021 (Annexure-P-15, Page 103) does not assign any reason for debarring/delisting the petitioner for a period of three years. It only conveyed the intent of the authority for doing so. We also notice that even the appellate authority, while dismissing the appeal, vide impugned order 31.01.2022 (Annexure-P-17, Page 110), has neither referred to nor adverted to anyone of the contentions raised by the petitioner in the appeal. Also, the materials placed on record remain unconsidered.

In CWJC No. 2625 of 2021, titled as **M/s Satyendra Kumar and Co. Const. Pvt. Ltd., Vs. the State of Bihar & Ors.**, we have dealt with the similar issue directing the



authorities to not only assign reasons but afford opportunities of hearing enabling the party to respond to the notice. Also, the obligation upon the authority to assign reasons, which, in fact, in the instant case, we find, not to have been done so. We notice that passing of the order entails civil and penal consequences.

As such, on this short ground alone, we quash the order dated 22.10.2021 (Annexure-P-15, Page 103) and order dated 31.01.2022 (Annexure-P-17, Page 110), reserving liberty to the respondents to issue a fresh notice, if so required and desired, initiating appropriate proceedings in accordance with law.

The entire exercise be completed within a period of three months from today.

Petitioner undertakes to fully co-operate and not take any unnecessary adjournment.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.06.2022
Transmission Date	NA

