

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7709 of 2022

M/s Laxman Kumar, through its proprietor Laxman Kumar Prasad, S/o Sri Harihar Sah, aged about 53 years, Gender - Male, R/o Mohalla - Ashiana Nagar, Sector-4, Ramnagri, P.S. - Rajiv Nagar, P.O. - Ashiyana Nagar, District - Patna - 800025.

... .. Petitioner/s

Versus

1. The State of Bihar, Patna.
2. The State of Bihar, through Additional Chief Secretary, Road Construction Department, Govt. of Bihar, Biseshwaraiya Bhawan, Patna.
3. The Engineer in Chief (Work Management), Road Construction Department, Biseshwaraiya Bhawan, Patna.
4. The Chief Engineer, North Section, Road Construction Department, Biseshwaraiya Bhawan, Patna.
5. The O.S.D. - Cum - Internal Financial Advisor, Road Construction Department, Biseshwaraiya Bhawan, Patna.
6. The Executive Engineer, Road Division No. 1, Muzaffarpur.
7. Narsingh Singh, Head Office at Saketpuri Road No. 1, Near Ambedkar Chowk, Hanuman Nagar, Kankarbagh, Patna - 20.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Y. V. Giri, Sr. Advocate Mr. Prashant Prakash, Advocate
For the Respondent/s	:	Mr. Amit Prakash, GA13

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

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

- I. For issuance of a writ /order/direction in the nature of a writ of certiorari to quash/set aside the letters contained in Memo No.-2092 (E) and 2093 (E) both dated 18.04.2022 (Annexure-P/20 and P/21) (Page- 73-74, 475-76) issued by respondent no- 3 i.e. Engineer in Chief (Work Management) Road Construction Department, Govt. of Bihar whereby the petitioner's punishment order for blacklisting issued vide memo no-7134 (E) dated 01.11.2021 and 8369 (E) 30.12.21 for the period of 10 (ten) years has been reduced to 1 (one) years by the aforesaid letters passed in Appeal, same has been passed without considering the points raised by the petitioner in its appeal and same has been passed without hearing the necessary party to the proceeding i.e. concerned Executive Engineer and Private Respondent, Narsingh Singh. Further, the same impugned order has been passed in complete violation of guidelines framed by Hon'ble High Court in C.W.J.C No-12736 of 2021 dated 07.09.2021. That the impugned orders passed by the respondent no-3 are non-speaking, therefore, same is fit to be set aside.

II. For issuance of a writ /order/direction in the nature of a writ of certiorari to quash/set aside the order of black listing issued vide memo no-7134 (E) dated 01.11.2021 and memo no-8369 (E) dated 30.12.2021 (Annexure-P/16 and P/17) (Page- ^{73-74 & 75-76}) by the Respondent no-3 by which the registration of the petitioner was put for blacklisting for the period of 10 years (ten years) in gross violation of natural justice without issuance of second Show Cause as well as without providing the supportive documents with the first show cause, further, without hearing the necessary party to the proceeding i.e. concerned Executive Engineer and Private respondent Narsingh Singh, even without cross examination of the Complainant i.e. Narsingh Singh and Executive Engineer concerned which is gross violation of Fundamental Principles as fixed by Hon'ble High Court in C.W.J.C No- 12736 of 2021 dated 07.09.2021. That the aforesaid orders for blacking listing passed by the respondent no-3 are non-speaking, not reasoned, without jurisdictional passed in complete Violation of Natural Justice, therefore, same is fit to be set aside.

III. That the impugned order passed vide memo no-2092 (E) and 2093 (E) both dated 18.04.2022 issued by respondent no- 3 i.e. Engineer in Chief (Work Management) Road Construction Department, Govt. of Bihar whereby the petitioner's punishment order for blacklisting issued vide memo no-7134 (E) dated 01.11.2021 and 8369 (E) 30.12.21 for the period of 10 (ten) years has been reduced to 1 (one) years may be stayed during the pendency of the writ petition.

IV. For any relief/reliefs as your Lordships may deem fit and proper in the fact and circumstances of this case.

It is the petitioner's apprehension that post-passing of order dated 18.04.2022, whereby the petitioner's period of blacklisting stands reduced from Ten years to One year would preclude/prevent the petitioner from participating in the works after the completion of the period of one year.

Learned counsel for the State states that with the completion of said period of one year, it shall open for the petitioner to participate and that passing of such order shall not come in the way of the petitioner's eligibility for participating in any of the public works.

Statement accepted and taken on record.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2022
Transmission Date	NA