

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10115 of 2019

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Neelam Kumar Son of Late Damodar Prasad Resident of Mohalla- habipura,
P.O and P.S- SohSarai, Distt- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department Vishweshwaraiya Bhawan, bailey Road, Patna. 15
2. The Secretary Rural Works Department, Vishweshwaraiya Bhawan, Bailey Road, Patna-15.
3. The Engineer-in Chief cum Additional Commissioner-cum Special Secretary Rural Works Department, Vishweshwaraiya Bhawan, Bailey Road, Patna-15.
4. The Chief engineer-1 Rural Works Department, Vishweshwaraiya Bhawan, Bailey Road, Patna-15.
5. The Superintending Engineer Rural Works Department, Works Circle, Nalanda at Biharsharif
6. The Executive Engineer Rural Works Department, Works Division, Biharsharif (Nalanda)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Sahay, Advocate
For the Respondent/s : Mr. Archana Meenakshee, GP-6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-11-2022

Petitioner has prayed for following relief (s):-

“(I) **For quashing** of blacklisting order of petitioner issued vide memo No. 14/ Aa0 Pra0 -3-37/13/10947 Patna, dated 08.09.2015, under signature of the Engineer-in-Chief namely Sri Kamlesh Chaudhary, (i.e. Respondent No.3), as contained in **Annexure-P-12**, whereby and where under the registration of the petitioner bearing its no. अभि० प्रमुख (ग्रा.का.वि.) 670/2008 (II Class) has been blacklisted for indefinite



period in most arbitrary manner.

(II) **For declaration** that the action of the respondent Engineer-In-Chief (i.e. Respondent No. 3) is arbitrary, malafide, colourable exercise of powers as well as illegal.

(III) **For pass** such an order or orders for which, the petitioner is entitled under the law in the facts and circumstances of the case.”

We do not find the impugned order dated 08.09.2015 (Annexure-P-12), passed by the Respondent No. 3, namely, The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Rural Works Department, Vishweshwaraiya Bhawan, Bailey Road, 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 for an indefinite period 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 an indefinite period. 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 dated 08.09.2015 (Annexure-P-12), passed by the Respondent No. 3, namely, The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Rural Works Department, Vishweshwaraiya Bhawan, Bailey Road, Patna, is quashed and set aside.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Spd/-Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	19.11.2022
Transmission Date	

