

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15877 of 2021**

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M/s U and M Enterprises having its Head Office at Chittra, P.S.- Chittra, Sub-division- Madhupur, District- Deoghar (Jharkhand) through its partner Umesh Singh, aged about 50 years (Male), son of Late Badri Narayan Singh, resident of Village- Saharjori, P.O.- Bartand, P.S.- Chittra, District- Deoghar (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer-in- Chief, Rural Works Department, Government of Bihar, Patna.
3. The Additional Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer-2, Rural Works Department, Government of Bihar, Patna.
5. The Superintending Engineer, Work Circle Bhagalpur, Rural Works Department, District- Bhagalpur.
6. The Executive Engineer, Work Division Banka- 2, Rural Works Department, District- Banka.
7. The Assistant Engineer, The Executive Engineer, Work Division Banka- 2, Rural Works Department, District- Banka.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Ashok Kumar Choudhary, Sr. Adv.<br>Mr. Bhola Kumar, Adv. |
| For the Respondent/s | : | Mr. P. N. Shahi ( AAG 6 )                                    |

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**CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA**  
**and**  
**HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)**

6      25-03-2022                      The present writ petition has been filed for quashing the order dated 09.04.2021, as contained in letter dated 24.05.2021 passed by the Secretary, Rural Works Department, Government of Bihar, Patna, whereby and where under the Appeal filed by the petitioner has been rejected and the order dated 19.10.2020 passed by the Engineer-in-Chief, Rural Works



Department, Government of Bihar, Patna, blacklisting the petitioner for a period of ten years, has been upheld.

The Ld. Sr. Counsel for the petitioner, Shri Ashok Kumar Choudhary, has argued at length and has submitted that the appellate order dated 09.04.2021 has been passed in a mechanical, arbitrary and discriminatory manner in as much as the Respondent No.1, in a similar case of another registered contractor namely Anil Kumar Prasad has set aside the order of blacklisting passed against the said contractor and has merely issued a warning to him, vide memo dated 16.06.2020 and in the said case also the order of blacklisting had been passed on account of the said contractor having uploaded forged ATR report during the bidding process. It is also pointed out that in one other case i.e. of M/s Aditya Construction, the Respondent No.1 has modified the order under Appeal dated 20.09.2018 whereby the said firm had been blacklisted for 10 years and reduced the period of blacklisting to one year, vide order dated 25.02.2019.

We have heard the learned counsel for the parties. At the outset we have put a query to the learned Senior counsel for the petitioner as to whether the petitioner would like to approach the appellate authority and point out the aforesaid discrimination



meted out to the petitioner so that the appellate authority can apply its mind to the said aspect of the matter and accordingly reconsider his decision qua the petitioner herein, the learned Senior counsel for the petitioner has submitted that he has got no objection and the petitioner would definitely approach the Respondent No. 1, however, the aforesaid exercise be made time bound.

In such view of the matter, we deem it fit and proper to grant liberty to the petitioner to approach the Respondent No. 1 for reconsideration of the appellate order dated 09.04.2021 passed in the case of the petitioner on the new grounds mentioned herein above.

In case the petitioner approaches the Respondent no. 1 by filing appropriate representation within a period of two weeks from today, the Respondent No. 1 shall take appropriate decision thereon within a further period of four weeks thereof.

The present writ petition stands disposed of on the aforesaid terms.

**(Rajan Gupta, J)**

**( Mohit Kumar Shah, J)**

Tiwary/-

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