

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11266 of 2022

Narayan Kumar Son of Chandra Shekhar Sharma, resident of Village and P.O.-Mahammadpur, P.S.-Vikram, District-Patna.

... .. 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, Rural Works Department, Government of Bihar, Patna.
7. The Executive Engineer, Rural Works Department, Works Division, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sumit Kumar Jha, Advocate
		Mr. Ashish Giri, Advocate
For the Respondent/s	:	Mr. Kameshwar Pd. Gupta, GP10

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-11-2022

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 contained in Memo no. 3102 dated 04.08.2021 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 10 years without



issuing any notice to the petitioner.

ii. To issue writ/order or direction in the nature of Certiorari for quashing the office order dated 22.04.2022 issued under the signature of the Secretary, Rural Works Department, Government of Bihar, Patna by which the Appeal filed by the petitioner has been dismissed without applying its independent mind.

iii. To hold and declare that the impugned order of blacklisting for indefinite period (10 years) without any valid show cause notice is violative of Article 14 and 19(1)(g) of the Constitution of India.

iv. For a direction to the respondent authorities to make payment of the due amount for maintenance work for 5 years i.e. Rs. 4,58,888/- along with the amount of security deposit of the petitioner i.e. Rs. 3,44,600/- in connection with agreement no. 89/SBD/2015-16.

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

We are of the considered view that passing of the order entails civil consequences, inasmuch as the petitioner stands blacklisted/debarred for a period of ten years 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.

At this stage, Shri Ashish Giri, learned counsel states that petitioner has already suffered for more than one year, inasmuch as for the said period he could not participate in any of the tenders invited by any one of the statutory authorities/instrumentality of the State.

As such, while quashing the original order dated 04.08.2021 (Annexure-10), the appellate authority order dated 22.04.2022 (Annexure-11A) also needs to be quashed for the simple reason that the said authority has travelled beyond the record and by referring to and relying upon material placed on record and subsequent events, has dismissed the appeal. Significantly, no such material was also supplied to the petitioner.

Both orders quashed. Assessing authority shall pass



a fresh order.

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)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

