

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11543 of 2022

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M/s Durga Construction represented through its one of the Partners namely Sri Jitendra Kumar Pandey, aged about 48 years, Male, son of Late Durga Pandey, resident of Village -Rajiv Nagar, P.S.-Gopalganj, District-Gopalganj, Pin-841428.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
5. The Executive Engineer, Rural Works Department, Government of Bihar, Patna.
6. The Executive Engineer, Rural Works Department, Works Division, Hathua, Gopalganj.
7. The Superintending Engineer, Rural Works Department, Works Circle, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate
For the Respondent/s : Smt. Archana Meenakshee, GP-6

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

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-08-2022

The petitioner has prayed for the following relief/s :-



- I. To issue a writ order/direction in the nature of certiorari for quashing the letter no. 1529 dated 09.06.2021 issued under the signature of the Engineer in Chief Rural Works Department by which the petitioner has been debarred along with others for not completing the work within the time prescribed by the agreements (Annexures 1 and 2) in
- II. To hold and declare that the impugned orders of debar passed without any show-cause notice is violative of Articles 14 of the Constitution of India and as such not sustainable in the eyes of law and accordingly direct the respondents to immediately remove the name of the petitioner from the list of debarred contractors.
- III. To pass interim/ ex parte interim order staying the operation of letters No. 1529 dt. 09.06.2021 and letter No.-725 dated 01.06.2021 and the letter No. 679 dated 31.05.2021 and/or permit the petitioner to participate in other tenders including the



subsequent tender issued by the Rural works
Department in the light of the
recommendations contained in the letters no.
1530 and 1531 Hathua dated 23.11.2021
(Annexures-3 & 4).

After the matter was heard for some time, learned
counsel for the petitioner seeks permission to file appeal before
the appropriate authority in terms of the procedure prescribed
under law.

Prayer allowed.

He may do so within a period of four weeks.

Learned counsel for the State states that if any such
appeal is preferred by the petitioner within the aforesaid period,
the same shall be heard on merits, to be decided within a period
of two months from the date of its filing.

Statement accepted and taken on record.

We only hope and expect the appropriate authority to
consider and decide the appeal on its own merit and with
reasonable dispatch.

We clarify that we have not expressed any opinion on



facts and law. All issues are left open.

Learned counsel for the parties undertake not to take any unnecessary adjournment in such proceedings.

The appellate authority shall pass a speaking order, assigning reasons, copy whereof shall be supplied to the parties.

Liberty reserved to the petitioner to challenge the order, if required and desired.

The present petition stands disposed of with the liberty aforesaid.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	22.08.2022
Transmission Date	

