

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16908 of 2021

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Jai Bajrang Bali Construction through its proprietor, Shachidanand Tiwari, male, aged 59 years, son of Kedar Tiwari, resident of Village- Palaundha, Police Station- Chenari, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar- 800 001
2. The Secretary, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar- 800 001
3. The Additional Chief Secretary, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar- 800 001
4. The Engineer-in- Chief, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar- 800 001
5. The Executive Engineer, Rural Works Department, Work Division, Forbesganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Respondent/s : Mr. Lalit Kishore, AG

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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

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“In the nature of certiorari, for quashing of the letter no. 1941, dated 16.09.2020, issued by the Executive Engineer, Rural Works Department, Work Division, Forbesganj whereby the Agreement No. 63 SBD PMGSY 2017-18, executed for the construction of a Road, L056-



Arraha to Kurwa (VR56) was terminated and it was further recommended to blacklist the petitioner;

ii. In addition, for issuance of a writ in the nature of certiorari, for quashing of the consequential letter no. 2017, dated 22.09.2020, issued by the Executive Engineer, Rural Works Department, Work Division, Forbesganj whereby the petitioner was again communicated regarding termination of the agreement and was asked to appear, on 10.10.2020, at the work site for final measurement of the work done pursuant to the abovementioned agreement;

iii. Moreover, for issuance of a writ in the nature of certiorari, for quashing of the letter no. 34-85/2020-1093, dated 31.03.2021, issued by the Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna whereby the petitioner was asked to submit an explanation, regarding, recommendation made for blacklisting the petitioner. by the Executive Engineer, Rural Works Department, Work Division, Forbesganj)

iv. Furthermore, for issuance of a writ, in the nature of mandamus, directing, the respondents to release the performance security, deposited in terms of clause 46 of the General Conditions of the Contract;

v. For restraining the respondents from taking coercive steps of any kind against the petitioner of performance including encashment bank guarantee during the pendency of the present writ petition and/or for any other relief[s] for which the



Petitioner may be found entitled to in the facts & circumstances of the present case.”

In view of the fact that Bihar Public Works Dispute Arbitration Tribunal is now functional, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to take recourse to such other appropriate remedies, as are otherwise available, in accordance with law.

Permission granted.

As and when any such request is made by the petitioner before the Tribunal, the same shall be considered and decided expeditiously.

The petition stands disposed of as withdrawn with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Bibhash/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	17.11.2022
Transmission Date	

