

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12205 of 2022

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Sri Sai Nirman a proprietorship firm, having its registered office at Sareya, Ward No. 123, Near Kali Sthan, Gopalganj (Bihar), represented through its Proprietor Arun Kumar Panja, aged about 45 years (Male), son of Late Anil Kumar Panja, resident of Sareya, Ward No. 123, Near Kali Sthan, P.O. - Gopalganj, P.S. - Gopalganj Town, District- Gopalganj (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer-III, Rural Works Department, Work Division, Hathua.
5. The Chief Engineer-III, Rural Works Department, Work Division, Siwan -II.
6. The Executive Engineer, Rural Works Department, Work Division, Hathua.
7. The Executive Engineer, Rural Works Department, Work Division, Siwan -II.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashish Giri, Advocate
For the Respondent/s : Mr.Ajay (GA 5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 26-08-2022

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, Government of Bihar, by which the petitioner has been debarred alongwith others at serial no. 6 in relation to the Agreement No. SBD/39/2017-18 dated 20.03.2018 for not completing the work/maintenance work within the time prescribed in the agreement. (Annexure-1 Pg. 18).

ii) To hold and declare that the impugned order of debarment dated 09.06.2021 passed without any show cause notice is violative of Article 14 & 19(1)(g) 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 debar.

iii) To pass interim / ex-parte interim order staying the operation of letter no. 1529 dated 09.06.2021 issued under the signature of the Engineer in Chief, Rural Works Department, Government of Bihar and/or permit the petitioner to participate in other tenders including the subsequent tender issued by the Rural Works Department, Bihar.

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

We do not find the impugned order dated 09.06.2021, as contained in Letter No. 1529, passed by



respondent No. 3, namely the Engineer-in-Chief, Rural Works Department, Government of Bihar, 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 from taking part in future tenders 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 from taking part in future tenders. The principle of proportionality has not been considered. The effect of debarment entails both civil and penal consequences.

As such, on this short ground alone, the impugned order dated dated 09.06.2021, as contained in Letter No. 1529, passed by respondent No. 3, namely the Engineer-in-Chief,



Rural Works Department, Government of Bihar, Patna is quashed and set aside.

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

The instant petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	30.08.2022
Transmission Date	

