

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17207 of 2021

=====

Harishankar Goutam Son of Radheye Shyam Singh Resident of 65 A, Road no. - 1, Nirala Nagar, Digha Ghat P.S. Digha, Danapur - cum Khagaul, District and in the town of Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Human Recourses Department, Baily Road, Patna.
2. The Chief Engineer, (Shiksha Bhawan Rashtrabhasa,) Parisad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna - 800004.
3. The Executive Engineer, Bihar State Educational Infrastructure, Development Corporation, Khagriya, Beldor.
4. The Managing Director Bihar State Educational Infrastructure, Development Corporation, (Shiksha Bhawan Rashtrabhasa), Parisad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna - 800004.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Uday Prasad Singh, Advocate
For the State	:	Mr. Kameshwar Kumar, GP17
		Mr. Arvind Kumar, AC to GP 17
For the BSEIDC	:	Mr. Girijish Kumar, Advocate

=====

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):-

“That this application is being filed against the office letter memo no. BSEIDC / TECH /289/2019 (Vol-1)-1503 dt. 05.03.2021, further office letter memo no. 831 dt. 08/02/2021 and the show cause notice vide office, issued under the signature of respondent Executive Engineer whereby and



where under the petitioner has been debarred / suspended from participating in any forthcoming tender of the respondent Department, order for of penalty amount from the bills of the petitioner and show cause notice for Blacklisting the petitioner have been passed respectively, on a wrong and erroneous assumption of facts illegally, arbitrarily and whimsically couple with oblique motive much less in complete violation of provision of Article 20 of constitution of India as the punishments are for the same cause of action and without application of mind to the petitioner's explanation that the contract works in question has already been executed more than 80% and the rest could not have been executed due to, either act, of natural / situation of the work site as being river belt (water logged area) or due to Covid -19, some medical problem and local public hindrance in early stage of work execution, abnormal delay in taking departmental decision / approval by the respondents as also abnormal delay in releasing the payments of running bills by the respondents but still the petitioner is ready to complete the same just after the work site area becomes dry and as such the aforesaid impugn punitive actions, specially debarment order of the respondent is against the respondent's Departmental policy /decision which resulted in non-application of mind and consequently violation of natural justice



as well.

This writ application is also being filed for issuance of an writ/s, order /s, direction /s commanding the respondent not to finalize NIT-24 F 2021-22 item no SSSE191C Khagriya.

This writ application is also being filed for other reliefs as well.

Copies of the office memo no. BSEIDC/TECH/289/2019(Vol-I)-1503 dt. 05.03.2021 is annexed herewith and marked as Annexure- 1 to this application.”

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)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

