

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17516 of 2021

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

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

4 16-05-2022 The petitioner has sought a writ in the nature of certiorari for quashing of letter no. 1944 dated 16.9.2020, issued by the Executive Engineer, Rural Works Department, Work Division, Forbesganj whereby the agreement executed between the parties has been terminated and it has been further recommended to blacklist the petitioner.



We have gone through the agreement executed between the parties particularly Clause 52 thereof, which provides for termination.

At the outset, on a query being put to the learned counsel for the State whether a show cause was served on the petitioner before taking a decision to terminate the contract, his answer is in the negative. On the other hand, the learned counsel for the petitioner submits that by the time, the contract was terminated, he had completed more than 50% of the work, he was given no opportunity to respond to the deficiencies, if any, in the execution of work and his application for extension of time to complete the work was pending with the authorities.

From perusal of the records, no clear answer is forthcoming as regards the sudden termination of contract without even affording any opportunity of hearing to the petitioner, hence, such an action on part of the authorities cannot stand the scrutiny of law.

Under the circumstances, we have no



option but to quash the letter dated 16.9.2020, issued by the Executive Engineer, Rural Works Department, Work Division, Forbesganj and remit the matter to the Empowered Standing Committee to examine the same and take a fresh decision at the earliest in any case not later than one month.

The writ petition stands disposed of.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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