

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17762 of 2021

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M/s Narsingh Construction, Gangjala Saharsa through its Partner Pratap Kumar Singh, aged about 46 years, Male, Son of Late Jai Mangal Singh, Resident of Shastri Nagar, Sipahi Tola, Ward No.3, P.S. K. Hat, District-Purnia, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna, Bihar.
2. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna, Bihar.
3. The Chief Engineer-2, Rural Works Department, Government of Bihar, Patna, Bihar.
4. The Superintending Engineer, Rural Works Department, Works Division, Saharsa, District Saharsa, Bihar.
5. The Executive Engineer, Rural Works Department, Works Division, Saharsa, District Saharsa, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan
For the Respondent/s : Mr. Ajay (GA 5)

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

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

3 11-04-2022 The petitioner has challenged the *ex parte* order bearing Letter No. 857 dated 04.04.2020 whereby the respondent no. 5 had rescinded the agreement.

Learned counsel for the petitioner submits that no show cause notice was served on him before taking this drastic action.

On a query being put to the learned counsel appearing



for the respondent nos. 1 to 5, he does not controvert the fact that show cause notice was not served on the petitioner before the contract was rescinded.

Under the circumstances, we find the action of the respondents to be arbitrary and quash the same. The matter is remitted to the Executive Engineer, Rural Works Department, Works Division, Saharsa for examining the entire issue and if necessary, he would also issue show cause notice to the petitioner and thereafter take a decision afresh.

The writ petition stands disposed of on the aforesaid terms.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

Anjani/-

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