

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14295 of 2022

M/s Chandra Mohan Ojha a registered partnership firm, having its registered office at Supriya Cinema Road, Shanti Nagar, P.O.-Bettiah, P.S.-Nagar Thana, District-West Champaran, represented through its authorized partner namely Shri Chandra Mohan Ojha, Male, aged about 50 years, son of Late Mukhti Nath Ojha, resident of Village and Post-Yadav Chhapar, P.S.-Kumarbag O.P., District-West Champaran (Bettiah).

... .. 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 Circle, Bettiah, District-West Champaran.
5. The Executive Engineer, Rural Works Department, Work Division, Bagha-I, District-West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashish Giri, Advocate
For the Respondent/s : Smt. Archana Meenakshee, GP 6

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

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 : 30-09-2022

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.



2100 dated 16.07.2021 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 nos. 2 & 3 in relation to the Agreement dated 26.09.2017 for road construction work of Bettiah Ramnagar Road to Sikhta Via Dhobni, Ramauli and PWD Road, Narwal to Khiriya for not doing the maintenance work on time (Annexure-I Pg. 16).

ii) To hold and declare that the impugned order of debarment dated 16.07.2021 issued by the Engineer-in-Chief 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. 2100 dated 16.07.2021 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



16.07.2021, as contained in Letter No. 2100 dated 16.07.2021, passed by the Engineer-in-Chief, Rural Works Department, Government of Bihar (Annexure- 4) 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 for a period of ten years 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 for an indefinite period. 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 16.07.2021, as contained in Letter No.2100 16.07.2021, passed by the Engineer-in-Chief, Rural Works



Department, Government of Bihar (Annexure- 4) 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)

(S. Kumar, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	04.10.2022
Transmission Date	

