

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14684 of 2022

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Rakesh Kumar Giri Son of Rajendra Giri, Resident of village - Mafi Guriyao,
P.S. - Kateya, District - Gopalganj.

... .. 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, Gopalganj- I.
5. The Executive Engineer, Rural Works Department, Work Division, Gopalganj - I.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mohammad Sufyan, Advocate
		Mr. Thakur Brajesh Singh, Advocate
For the Respondent/s	:	Mr. Ajay, GA-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-11-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) To issue a writ/order/direction in the nature of certiorari quashing the order dated 13.07.2021 bearing Letter No. Mu.A-



4(Mu.) Dibar-33-68/2021-2037 issued by Engineer-in-Chief, Rural Work Department, Government of Bihar, Patna (respondent no. 3) whereby and whereunder the petitioner has been debarred alongwith the others at Sl. No. 5 in relation to the agreement no. 41/SBD(MMGSYC) 2020-21 dated 27.11.2020 for not completing the work within the time prescribed in the agreement (Annexure – 3).

- (ii) To hold and declared that the order of the debarment dated 13.07.2021 passed without any show cause notice to the petitioner is violation of article 14 and 19 (1)(g) of the Constitution of India and accordingly direct the respondent to remove the name of the petitioner from the list of the debar.
- (iii) To pass interim order staying the operation of order dated 13.07.2021 issued by the respondent no. 3 and permit the petitioner to participate in the other tenders issued by the Rural Works Department, Government of Bihar.
- (iv) To any other relief/reliefs for which the petitioner is found to be entitled in the fact and circumstances of the case.



We do not find the impugned order dated 13.07.2021, as contained in Letter No. Mu.A-4(Mu.) Dibar-33-68/2021-2037, issued by Respondent No. 3, namely the Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna (Annexure-2) 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 13.07.2021, as contained in Letter No. Mu.A-4(Mu.) Dibar-33-68/2021-2037, issued by Respondent No. 3, namely the Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna (Annexure-2) is quashed and set aside.

At this stage, learned counsel for the petitioner 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)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	04.11.2022
Transmission Date	

