

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15258 of 2022

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M/s Sanjay Printing Works, through its Partner Nawin Chandra Jaiswal (Male), aged about 64 Years, Son of Late (Dr. Mathura Prasad Jaiswal, Resident of Mohalla-Gurhatta, P.S. Khajekalan, Patna City, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Secretary, Department of Education, Government of Bihar, Patna.
3. The Managing Director, Bihar State Text Book Publishing Corporation Limited (undertaking of the Government of Bihar), Pathya Pustak Bhawan, Budha Marg, Patna 800001.
4. Arbind Kumar Verma at Present District Magistrate at Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Prasad, Advocate
For the Respondent/s	:	Mr.Prabhakar Jha (GP 27)
		Ms. Anukriti Jaipuriyar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
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 : 11-11-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s) :-

“(i) For issuance of a writ, order or direction to the Respondent No. 3 (Managing Director) allow to participate present tender and future tender in view of order dated 21.03.2022 vide Memo No. 446 passed by Respondent No.3, whereas for the blacklisting period of ten year has been reduced to three years which has been completed in the month of August 2022 contained



in Annexur-1 of this writ application.

(ii) For restrain the respondent authority whereas demanded a fresh empanelment wholly without jurisdiction and it is not subject matter of the case and in view of direction passed by this Hon'ble Court in C.W.J.C.No. 6876 of 2022, on dated 22.06.2022 petitioner filed a representation on 24/08/2022 contained in Annexure-2 to this writ application and it is still pending, therefore, no fresh empanelment is required and petitioner is already empanelment more than 19 years.

(iii) For any other relief/relief to which the petitioner may be found entitled to in the eye of law.”

Learned counsel for the petitioner states that the petitioner shall be content, if the petition is disposed of in terms of judgment dated 27.07.2022 passed by this Court in CWJC No. 7709 of 2022, titled as **M/s Laxman Kumar vs. The State of Bihar & Ors.** (Annexure-5, Page 60).

Ms. Anukriti Jaipuriyar, learned counsel appearing on behalf of the respondents, vehemently opposes the petition on the ground that the present petition stands filed without any cause of action.

Petitioner's apprehension is that in future, he would be debarred from participating in the tendering process or for that he would be removed from the panel in view of the order of blacklisting.

We notice that in similar circumstances in CWJC No. 7709 of 2022, titled as **M/s Laxman Kumar Vs. The State**



of Bihar & Ors., we have clarified that after completion of period of blacklisting, none of the parties would be prevented to participate in the public works for which tender is invited by the respondents.

As such, we are of the considered view that the petition can be disposed of clarifying the similar position to similar effect.

Ordered accordingly.

Present petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

chn/sujit

AFR/NAFR	
CAV DATE	
Uploading Date	15.11.2022
Transmission Date	

