

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15642 of 2022

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Satyendra Kumar Construction Pvt. Ltd. Having its registered office at 202, Hira Enclave, New Dak Bunglow Road, P.S.- Kotwali, District Patna, through its Director Deepak Kumar @ Dipak Kumar, aged about 41 years, son of Sri Narayan Prasad, resident of Bhikhna Pahari, Opposite Patel Hostel, P.S.- Pirbahore, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Secretary, Department of Education, Government of Bihar, Patna.
4. The Bihar State Educational Infrastructure Development Corporation Ltd., (A Government of Bihar Undertaking), Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004 through its Managing Director.
5. The Managing Director, Bihar State Educational Infrastructure Development Corporation Ltd., Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004.
6. The Chief Engineer, Bihar State Educational Infrastructure Development Corporation Ltd., Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004.
7. The Chief Consultant (Technical), Bihar State Educational Infrastructure Development Corporation Ltd., Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate
For the Respondent/s : Mr.Prabhakar Jha, GP 27
Mr. Girijish Kumar, 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 : 18-11-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):

“(i) Quashing of the to Show Cause Notice contained in Letter No. 3530 dated 06.05.2022 (Annexure-5) issued by the Managing Director, Bihar State Educational Infrastructure Development Corporation Ltd., by which the petitioner was asked to submit reply upon the contemplated action of forfeiture of Security Deposit and Blacklisting on the allegation of committing negligence and misuse of the Government funds in the execution of the work awarded;

(ii) Quashing of the Office Order No. 83 dated 09.06.2022 as contained in Memo No. BSIEBC/TECH/966/4424 (Annexure-7) issued by Managing Director, Bihar State Educational Infrastructure Development Corporation Ltd., by which, without considering the Show Cause Reply and contrary to the Registration Rules, 2012 as also the terms of the Standard Bidding Document, an amount of Rs. 63,38,217/- deposited under the heads of Security Deposit has been forfeited and the Registration of the petitioner firm has been blacklisted for a period of ten years in terms of the decision taken by the Board for the Corporation in its 41st Meeting vide Agenda No. 12/41 dated 11.04.2022.

We do not find the impugned show cause notice



dated 06.05.2022, as contained in Letter No. 3530 and the consequential office order No. 83 dated 09.06.2022, passed by respondent No. 5 , namely the Managing Director, Bihar State Educational Infrastructure Development Corporation Limited 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 a period of ten years. 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 show cause notice dated 06.05.2022, as contained in Letter No.



3530 and the consequential office order No. 83 dated 09.06.2022, passed by respondent No. 5, namely the Managing Director, Bihar State Educational Infrastructure Development Corporation Limited, are quashed and set aside.

At this stage, Shri Prabhat Ranjan, 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 in the interregnum.

Liberty reserved to the petitioner to initiate appropriate action, should the need so arise.

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)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	20.11.2022
Transmission Date	

