

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22069 of 2019

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Mithilesh Kumar Singh S/o Ram Ishwar Singh R/o Mohalla- B-186, Patna
Police Colony, P.S.- Phulwari, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Govt. of Bihar, Patna
2. The Secretary Rural Works Department, Govt. of Bihar, Patna
3. The Engineer in Chief, Rural Works Department, Govt. of Bihar, Patna
4. The Executive Engineer, Rural Works Department, Works Division, Gopalganj-II

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, 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 ORDER
(Per: HONOURABLE THE CHIEF JUSTICE)

2 13-12-2022

Petitioner has prayed for following relief (s) : -

“(i) To issue a writ/order/direction in the nature of certiorari for quashing the letter no. 4037 dated 13.09.2019 issued under the signature of the respondent Secretary, Rural Works Department, Government of Bihar, Patna by which general direction has been given to all Superintendent Engineer and Executive Engineer to inspect from 14.09.2019 to 20.09.2019 the road constructed for total length of 5697 Km. and any irregularity found therein then in such condition the contractors be debarred on the spot and thereafter, notices be issued



to rectify the same failing which action of cancellation of agreement, imposing penalty and blacklisting be taken.

(ii) To issue a writ/order/direction in the nature of certiorari for quashing the orders passed by the Executive Engineer, Rural Works Department, Work Division, Gopalganj-II bearing letter no. 23 dated 17.09.2019 and letter no. 999 dt. 24.09.2019 by which the petitioner has been debarred on the ground of ex-parte inspection carried on 17.09.2019 and 24.09.2019.

(iii) To hold and declare the order of debarment is wholly violative of Article 14 of the Constitution of India as being arbitrary and unreasonable and also in violation of natural justice.

(iv) To hold and declare that no order of debar can be passed against the contractors who have been awarded contract in Rural Works Department, Govt. of Bihar, Patna in light of the direction in the letter no. 4037 dated 13.09.2019.

(v) To pass interim/ex-parte ad-interim order during the pendency of the writ application staying the operation of the orders passed by the respondent Executive Engineer debarring the petitioner and/or permit the petitioner to participate in other tenders.

(vi) To pass interim/ex-parte ad-interim order during the pendency of the writ application staying the operation of letter no. 4037 dated 13.09.2019 issued under the signature of the Secretary, Rural Works Department, Govt. of Bihar, Patna and/or direct the



respondent not to pass any further orders of debar in light of the said letter dated 13.09.2019.

(vii) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

Learned counsel for the petitioner states that grievance of the petitioner stands redressed as such, present petition has become infructuous

In view of the same, the present petition stands disposed of having become infructuous.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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