

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22315 of 2019

1. Uday Shankar Prasad son of Sri Prayag Narayan, resident of House No. House No. 27, Udantpuri, Garhpar, P.O. and P.S. Biharsharif, District- Nalanda at Biharsharif.
2. Dileep Kumar Verma son of Sri Saryug Sharan Singh, resident of village- Bhasin Bigha, Tulsigarh, P.O. and P.S. Chandi, District- Nalanda at Biharsharif.
3. Mantu Singh, son of Lakhan Singh, Resident of Mohalla- Kazi bazar, P.O. and P.S. Hilsa, District- Nalanda at Biharsharif.
4. Rakesh Kumar son of Jhulan Prasad, Resident of village and P.O. Doiya, P.S. Doiya, District- Nalanda at Biharsharif.
5. Narendra Kumar Nirala, son of Janardan Prasad, resident of village- Neerpur, P.O. Ganpura P.S. Noorsarai, District- Nalanda at Biharsharif.
6. Asha Nand Singh, son of Ramsewak singh, resident of Mohalla- Nichali Kila Gadhpar, P.O. and P.S. Biharsharif, District- Nalanda.
7. Sanjeev Kumar @ Sanjeev Kumar Singh, son of Krishna Prasad Singh, resident of Mohalla- Gadhpar, P.O. and P.S. Biharsharif, District- Nalanda at Biharsharif.
8. Brij Bihari Prasad, son of Girja Prasad, Resident of Mohalla- Daruara, P.O. and P.S. Daruara, District- Nalanda at Biharsharif.
9. Rakesh Kumar Ranjan, son of Kumar Saroj, resident of Mohalla- Kamruddinganj, P.O. and P.S. Biharsharif, District- Nalanda at Biharsharif.
10. Vijay Kumar Singh, son of Ram Balak Singh, resident of Mohalla- North Mandiri, Chhakan Tola, P.O.- G.P.O., P.S. Budha Colony, District- Patna.
11. Manish Kumar, son of Vijay Kumar Singh, resident of Mohalla- North Mandiri, Chhakan Tola, P.O.- G.P.O., P.S. Budha Colony, District- Patna.
12. Sri Kant Prasad, son of Harihar Prasad, resident of Ward No. 8, Mugal Khan, P.O. and P.S. Sohsarai, District- Nalanda at Biharsharif.
13. Anjani Kumar Sinha, son of Umesh Prasad, resident of village- Nepura, P.O. and P.S. Asthawan, District- Nalanda at Biharsharif.
14. Desh Deepak, son of Vijay Kumar, Resident of village- Narai, P.O. Mohsinginganj, P.S. Nalanda, District- Nalanda at Biharsharif.
15. Dharmendra Kumar son of Etwari Prasad, resident of village- Wena, P.O. and P.S. Wena, District- Nalanda at Biharsharif.
16. Suresh Kumar, son of Ram Prasad Singh, resident of Station Road, Hilsa, P.O. and P.S. Hilsa, District- Nalanda at Biharsharif.
17. Ram Prasad Singh, son of Suraju Singh, resident of village and P.O. Murhari, P.S. Harnaut, District- Nalanda at Biharsharif.
18. Ravi Shankar Sinha, son of Ram Swarath Singh, resident of village and P.O. Harnaut, P.S. Harnaut, District- Nalanda at Biharsharif.
19. Kumud Ranjan Sarkar, son of Braj Nandan Prasad Singh, resident of village- Kazi Chak, P.O. and P.S. Sarmera, District- Nalanda at Biharsharif.



20. Pawan Kumar, son of Prabodh Singh, resident of 6SF, C-1/43 Bahadurpur Housing Colony, Bhoot Nath Road, P.O. and P.S. Agamkuan, District- Patna.
21. Narendra Kumar Vidyarthi, son of Deoki Nandan Prasad, resident of Subhash Nagar Lane No. 2 Khemnichak, P.O. Khemnichak, P.S. Ram Krishna Nagar, District- Patna.
22. Shailesh Kumar, son of Deo Sharan Prasad, resident of village and P.O. Kachhiawan, P.S. Nalanda, District- Nalanda at Biharsharif.
23. Ravi Shastri, son of Rakesh Kumar, Resident of Mohalla- Bich Bazar, Harnaut, P.O. and P.S. Harnaut, District- Nalanda at Biharsharif.
24. Anuj Kumar Sinha, son of Bishundeo Prasad, resident of village- Ahiyachak, P.O. Utarthu, P.S. Nalanda, District- Nalanda at Biharsharif.
25. Kamal Nayan Sinha, son of Sidheshwar Prasad, resident of village- Sundargarh, P.O. Bhaisasur, P.S. Biharsharif, District- Nalanda at Biharsharif.
26. Dipak Kumar, son of Durga Prasad, resident of Mohalla- Shivpuri, Ramchandrapur, P.O. and P.S. Biharsharif, District- Nalanda at Biharsharif.
27. Mahendra Kumar Sinha, son of Mahavir Prasad, resident of Mohalla- Shivpuri, Ramchandrapur, P.O. and P.S. Biharsharif, District- Nalanda at Biharsharif.
28. Ranjeet Kumar, son of Sri Nawal Prasad, resident of village- Mobarakpur, P.O. Kharatua, P.S. Harnaut, District- Nalanda at Biharsharif.
29. Kumar Saroj, son of Sri Prasad Singh, Resident of Mohalla- Kamruddinganj, P.O. and P.S. Biharsharif, District- Nalanda at Biharsharif.
30. Sanjiv Kumar son of Parmanand Singh, resident of Dak Bungalow Road, Chauria Bazar, Harnaut, P.O. and P.S. Harnaut, District- Nalanda at Biharsharif.
31. Randhir Kumar, son of Indradeo Prasad, resident of Kautilya Nagar, Hilsa, P.O. and P.S. Hilsa, District- Nalanda at Biharsharif.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer- in- Chief- cum- Additional Secretary- cum - Special Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer-3, Rural Works Department, Government of Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam, Advocate
Mrs. Anita Kumari, Advocate
Mr. Awnish Kumar, Advocate



For the Respondent/s : Mrs. Archana Meenakshee, GP-6

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 13-12-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

- (I) For issuance of an appropriate writ in the nature of **CERTIORARI** for quashing the Public Notice dated Nil issued under the signature of the Respondent no.3 and published in daily Hindi News Paper Hindustan on 15.09.2019 whereby and where under the contractors of the Rural Works Department were directed for maintenance of road according to the specifications of the estimate and if any deficiency would be found during the course of inspection in the quality of Roads , not only the contractors would be debarred forthwith but if corrective measures is not taken within a week ,the agreement with such contractors would be terminated , they would be blacklisted and appropriate penal action would be taken for recovery against them.
- (II) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities to take action against the contractors but only after the inspection of the road and after ascertainment of the reasons which had damaged the road after its construction and for a further direction that if the damages causes in the road was not because of any deficiency in the quality of work at the time of construction rather the damage was caused to the roads for the reasons beyond the control of contractors , no action should be taken against the contractors as directed by the public notice dated 15.09.2019 ,



- (III) For a declaration that after completion of the construction of road , if the payment was made to the petitioners after its inspection and the satisfaction of Authorities concerned about the quality of construction and after verification of all other requirements according to the provisions of estimate before the final payment of the bills raised by the contractors , if any damage has been caused to the road for no fault on the part of the contractors and /or for the reasons beyond their control , any penal action against them as contemplated in the impugned public notice ,would be illegal and unwarranted in the eye of law.
- (IV) For issuance of any other appropriate writ/writs ,order / orders, direction/directions for which the writ petitioners would be found entitled under the facts and circumstances of the case.

Shri S.B.K. Manglam, learned counsel for the petitioners states that in view of Annexure-B, filed along with the counter affidavit, he does not press the present petition.

The instant petition stands disposed of as not pressed.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	14.12.2022
Transmission Date	

