

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1431 of 2023

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M/s Krishna Construction Company registered under the Provisions of the Company Act having its registered office at Shushila Swami Sadan, Near Womens College Gopalganj, District-Gopalganj through its director Krishna Mohan Tiwari (Male Aged about 62 years) S/o Swaminath Tiwari, resident of Mohalla- 201A, Varsha Appartment, Vivekanant Park Road, New Patliputra Colony, Patliputra, District- Patna, Pin Code- 800013.

... .. 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 Work Department, Government of Bihar, Patna.
4. The Chief Engineer, Rural Works Department, Government of Bihar, Patna.
5. The Executive Engineer, Rural Works Department, Government of Bihar, Patna.
6. The, Superintending Engineer, Rural Works Department, Work Zone Siwan.
7. The Executive Engineer, Rural Works Department, Work Division, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Advocate
For the Respondent/s : Mr. Kumar Alok (SC7)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 28-02-2023

In the instant petition, petitioner has prayed for the following relief:-

*(I). For issuance of writ in the nature
of certiorari for quashing the letter no.
2037 dated 13.07.2021 (Annexure-1) issued*



under the signature of the Engineer in Chief, Rural Works Department, Government of Bihar, by which the petitioner(Serial No. 14 and 15) has been debarred along with others for non-completion of the work within the time prescribed in the agreement.

(ii). To hold and declare that the impugned order of debar passed without any show cause notice is violative of Article 14 of the Constitution of India and as such not sustainable in the eyes of law and accordingly direct the respondents to immediately remove the name of the petitioner from the list of debar.

(iii) To pass interim/ex-parte interim order staying the operation of the letter no. 2037 dated 13.07.2021 and/or permit the petitioner to participate in other tenders including the subsequent tender issued by the Rural Works Department, Bihar.

(iv) To pass any other writ/writs,



order/orders for which petitioner deemed entitled to.”

2. Perusal of Annexure-1 dated 13.07.2021 shows it is not a reasoned order and so also the petitioner has not been provided an opportunity before impugned action at Annexure-1 was taken. Insofar as challenge to Annexure-2 dated 04.11.2021, the concerned authority was required to take necessary steps with reference to the recommendation.

3. In the light of these facts and circumstances, Annexure-1 stands set aside insofar as petitioner is concerned. Insofar as Annexure-2 dated 04.11.2022 is concerned, the concerned respondent is hereby directed to take a decision at the earliest and not beyond 3 months, while giving opportunity to the petitioner.

4. Accordingly, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Daya/
Himanshu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.03.2023
Transmission Date	NA

