

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4016 of 2020

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M/s Khushee Construction through its Power of Attorney Holder, namely Shree Rajeev Kumar, aged about 32 years, (Male), Son of Virendra Singh, Resident of Village- Rampur Dumra, P.S.- Maranchi, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief cum Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
4. The Chief Engineer, Design, Public Health Engineering Department, Govt. of Bihar, Patna.
5. The Chief Engineer (Zonal), Public Health Engineering Zone, Purnea, Bihar.
6. The Superintending Engineer, Public Health Engineering Circle, Madhepura, Bihar.
7. The Executive Engineer, Public Health Engineering Division Madhepura, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vikas Kumar, Advocate
For the State	:	Mr. Anjani Kumar, AAG-4
		Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

14 09-05-2023 In the instant petition, petitioner has prayed for the following relief(s):-

“(i)For quashing of office order no. 6 contained in Memo No. 139 dated 22.01.2020 issued by Respondent-7 Le. Executive Engineer, Public Health Division, Madhepura whereby and where under he has cancelled 76 agreements mentioned in the



aforesaid letter of District of Madhepura pursuant to which petitioner was executing the work in Public Health Division, Madhepura.

ii. For direction to respondent authorities to not to take any action against petitioner for the alleged lapses on part of petitioner in submission of earnest money deposit.

iii. For any other relief/reliefs for which the petitioner is found entitled to.”

2. Having regard to the relief sought in the present petition, the writ petition is not maintainable in the light of Apex Court decision ***Shubhas Jain Vs. Rajeshwari Shivam and Ors.*** reported in 2021 ***SCC OnLine SC 562 [Para-26]***. Even if the agreement is cancelled without assigning any reason, the petitioner has remedy before appropriate authority in terms of Clause 25 of the agreement.

3. Accordingly, the present petition stands disposed of, reserving liberty to the petitioner to invoke appropriate remedy.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Himanshu/-
Ashish/-

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