

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15500 of 2016

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Sanjeev Kumar S/o late Ajay Kumar Resident of Village and Post- Alauli,
Distt Khagaria, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar, through Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Works Deptt. Govt. of Bihar, Patna.
3. Deputy Secretary, Rural Works Deptt Govt of Bihar, Patna.
4. Engineer-in-Chief, Rural Works Deptt, Govt. of Bihar, Patna.
5. The Executive Engineer, Rural Works Department, Work Division ii, Khagaria, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shola Sandhwar, Advocate
For the Respondent/s : Mr. Kumar Alok, SC-7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL ORDER

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

3 15-05-2023 In the instant petition, petitioner has prayed for the
following relief(s):-

“That this writ application is being preferred by the petitioner above named for issuance of appropriate writ/writs, order /orders, direction /directions, with regard to quashing of the Order vide no-10070,-14/Aa Pra-04-01/2015/0070, Patna, Dt-19-8-2016 issued by the Respondent No-4 Engineerr-in-chief as contained in Annexure- 8 ,ie, impugned where by where under the license of contract of the petitioner vide Regd No-4206/2014 has been blacklisted for the period of 10 (ten) yrs after submission of the show cause by the petitioner dt- 09/02/2015 (Annex-7) which was submitted on the direction of the Respondent- 3,- Dy Secretary of the department vide its letter no-1072 dt- 28/01/2015 as contained in Annexure- 6, impugned.”



2. The matter was heard on 08.05.2023 and the following order was passed.

“Learned counsel for respondent-State is hereby directed to secure original records so as to ascertain whether the inspection of work, executed by the petitioner, was conducted behind the back of the petitioner or in his presence so as to come to the conclusion that respondents have paid excess amount to the petitioner.

Re-list this matter on 15.05.2023.”

3. Today learned counsel for the State on instruction submitted that the records were stated to have been burnt in a fire accident. Therefore, they are not in a position to apprise this Court as to whether inspection of work executed by the petitioner was conducted behind the back of the petitioner or in his presence. That apart, in the impugned order, there is no detailed discussion with reference to the explanation submitted by the petitioner against show cause notice.

4. On these two counts, the petitioner has made out a case, accordingly, Annexure-8 dated 19.08.2016 stands set aside, writ petition stands allowed.

(P. B. Bajanthri, J)

(A. Abhishek Reddy , J)

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