

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19208 of 2016

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Arju Construction Pvt. Ltd. Son of Sri Baldeo Singh resident of Mohalla -
Ramkrishna Nagar, P.S. - Ramkrishna Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Engineer-in-chief -cum- Additional Commissioner -cum- Special
Secretary Road Construction Department
4. The Executive Engineer, Rural Works Department, Works Division, Rajgir,
Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhu Nath Pathak, Advocate
For the Respondent/s	:	Mr. Manoj Kr. Ambastha-SC26
		Mr. Tripurari Nath Ambastha, AC to SC-26

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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)

2 09-05-2023 In the instant writ petition, petitioner has prayed for

the following relief(s):-

*“1. That by this application, the
Petitioner is invoking the writ jurisdiction of
this Hon'ble Court in the nature of writ of
certiorari for quashing letter No. 7567 (E)
dated 22.06.2016 issued by the Engineer-in-
Chief, Rural Works Department, Bihar, Patna
by which the Petitioner has been debarred
from tender work and declared as a defaulter,
resulting depriving from further participation
in tender work for the reason of not
completing the work, namely, construction of
CD work from Banauli L031 to Tetariya and
Giriyak under PMGSY at the schedule time,*



which is misconceived on fact since the aforesaid tender work Banauli L031 to Tetariya was completed as per specification on 23 July, 2016, even then, no payment was made against the work done to the Petitioner till yet and the Petitioner has no concern with the tender work of N.H. 31 Giriyak to Mahamadpur. No opportunity of showing case was given to the Petitioner before issuing letter No. 7567 (E) dated 22-06-2016 by the Engineer-in-Chief by which the Petitioner has been debarred from tender work, which is wholly unsustainable on fact and in law.”

02. Undisputedly, the petitioner has not executed work within the time limit. It is stated that he has completed the work beyond the impugned debarment order dated 22.06.2016. In the event of any policy of the Government for deletion of name of the contractor, who has been debarred on completion of work, the same shall be taken note of read with petitioner's representation. The concerned Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna is hereby directed to take note of the later events read with the petitioner's representation as to whether petitioner's name could be deleted from debar list or not?

03. Further, we noticed that Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna proceeded to debar hundreds of contractors at one go. In other words,



contractors have not been heard before their debarment.

04. Therefore, we are of view that the petitioner has made out a case so as to interfere with the debarment order dated 22.06.2016 insofar as petitioner is concerned and it is set aside, reserving liberty to the concerned respondent to proceed in accordance with law. The concerned respondent is hereby directed to take note of later development insofar as completion of work before taking any further action against the petitioner.

05. Accordingly, the writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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himanshu/-

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