

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4661 of 2023

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Dharmendra Kumar Son of Late Jairam Sharma, Resident of Village-Khudaauri, P.S. Hulasganj, District- Jehanabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Minor Irrigation Department, Government of Bihar, Patna.
3. The Engineer-In-Chief, Minor Irrigation Department, Government of Bihar, Patna.
4. The Chief Engineer, Minor Irrigation Department, Government of Bihar, Patna.
5. The Chief Engineer (Planning and Monitoring and Geology), Minor Irrigation Department, Government of Bihar, Patna.
6. The Superintending Engineer (Headquarters) Monitoring, Minor Irrigation Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate Mr. Chandan Kumar, Advocate
For the Respondent/s	:	Mr. P.K. Shahi (AG)

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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)

4 03-05-2023 In the instant writ petition, petitioner has prayed for
the following relief(s):-

“(i) Quashing of the exparte Officer Order No. 07 contained in Letter No. 186 dated 14.03.2023 by which, without issuing any Show Cause Notice, the Respondent blacklisted the Registration of the Petitioner for a period of 10 years in terms of Rule 11 (क) (vii) of the Bihar Contractors Registration Rule, 2007;



(ii) Declaration to the effect that the aforesaid exparte Order of Blacklisting shall not be made applicable retrospectively in connection with those tenders in which the last date for submission of the Tender documents has already lapsed and the petitioner has submitted the Tender documents and which tenders are pending disposal; and

(iii) Restraining the Respondents from giving effect to / taking any precipitative/coercive action arising out of the aforesaid order of blacklisting, and the dispute during the pendency of the present writ application and/or without the leave of this Hon'ble Court.”

02. One of the contentions raised in the present petition is that before blacklisting the petitioner for a period of ten years in terms of Bihar Contractors Registration Rules, 2007, he has not been heard in the matter, in other words, show-cause notice has not been issued to him. The same is not disputed by the learned counsel for the respondents.

03. In the light of these facts and circumstances, the petitioner has made out a case. Accordingly, Letter No. 186 dated 14.03.2023 insofar as blacklisting the petitioner for a period of ten years is hereby set aside.

04. The writ petition stands allowed, reserving liberty to the concerned-respondent to proceed in accordance with law after giving due opportunity of hearing to the petitioner. In this



regard, the competent authority is hereby directed to take note of Apex Court's decision in the case of *UMC Technologies Pvt. Ltd. vs. Food Corporation of India and Anr.*, reported in *(2021) 2 SCC 551* and later decision in the case of *Isolators and Isolators Through Its Proprietor Mrs. Sandhya Mishra vs. Madhya Pradesh Madhya Kshetra Vidyut Vitran Co. Ltd. and Anr.*, reported in *2023 LiveLaw (SC) 330 (Para-34)* and principles laid down therein before issuing show-case notice and passing final order on receipt of petitioner's explanation.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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