

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7105 of 2023

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Jay Shankar Ray, Male, aged about 40 years, Son of Sri Mahendra Ray
Resident of Village- Ahiapur, Bhikhanpura, Muzaffarpur- 842004.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Govt. of Bihar, Patna.
2. The District Magistrate, Vaishali at Hajipur.
3. The Engineer-In-Chief, Rural Works Department, Govt. of Bihar, Patna.
4. The Chief Engineer- 3, Rural Works Department, Govt. of Bihar, Patna.
5. The Superintending Engineer, Rural Works Department, Muzaffarpur Circle, Muzaffarpur.
6. The Executive Engineer, Rural Works Department, Works Division, Mahnar, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Ambastha, Advocate
For the Respondent/s	:	Mr. Ajay, GA 5
		Mr. Pratik Kumar Sinha, AC to GA 5

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT

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

Date : 14-07-2023

Heard learned counsels for the respective parties.

2. In the instant writ petition, petitioner has prayed for
the following relief/reliefs:

“(i) That this application is being
filed by the petitioner for issuance of a writ in
the nature of certiorari or any other
appropriate writ, order/direction for quashing



letter No. 1705 dt 30-11-2022 issued under the signature of the Executive Engineer, Rural Works Department, Work Division, Mahnar (Respondent No. 6) and letter No. 88 dated 01-03-22, letter no. 178 dated 15-03-23 by which the petitioner's firm has been debarred from executing the work given to him and has been black listed for ten years and he has been disqualified from another road project at Forbesganj.

(ii) That the petitioner further seeks issuance of writ of Mandamus commanding the respondents to get the land possession from those villagers whose land has been earmarked for construction of approach road for Zaffarabad Sota bridge under NABARD Scheme so that no hurdles are caused by them in construction and completion of the project.

(iii) That, the petitioner also seeks issuance of writ of Mandamus commanding the respondents to revise the rate estimate of the project due to delay in completion of the project as this delay is totally due to hindrance created by the villagers whose lands were acquired without giving them their compensation.

(iv) That, the respondents be further directed to allow this petitioner to complete his project by deleting its name from the debarred list.”



3. We restrict the present matter insofar as blacklisting the petitioner for a period of ten years. For remaining reliefs, the petitioner has a remedy elsewhere. In fact, insofar as termination of contract, the petitioner had approached this Court and an order in C.W.J.C. No. 2740 of 2023 dated 06.04.2023 passed, in which the petitioner was permitted to agitate his dispute under the Commercial Courts Act, 2015 in filing suit.

4. Perusal of the show cause notice for blacklisting the petitioner, it is not specific to a particular period. Thereafter, concerned respondent proceeded to blacklist the petitioner for ten years. Such a procedure has been deprecated by the Apex Court in the case of ***UMC Technologies Pvt. Ltd. vs. Food Corporation of India and Another*** reported in **(2021) 2 SCC 551, Paragraph nos. 13 and 14).**

5. In the light of these facts and circumstances, petitioner has made out a case only to the extent of interfering with blacklisting him for a period of ten years and it is set aside.

6. Matter is remanded to the competent authority to undertake fresh steps in the light of Apex Court decision cited *supra* to the extent that notice must be very specific insofar as blacklisting a person or a firm. The above exercise shall be



undertaken within a period of three months from the date of receipt of this order.

7. At this stage, learned counsel for the State submitted that specific period of blacklisting need not be indicated in the show cause notice as it amounts to that authority is prejudging. In fact, in not proposing specific period of black listing in a notice and abruptly specific period of black listing in the final order may prejudice petitioner’s right. The reason being if a contractor is black listed for years together his/her or a employee of firm, their livelihood is/are at stake. In the light of Apex Court decision cited *supra*, the aforesaid contention of the learned counsel for the State stands rejected.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.07.2023
Transmission Date	NA

