

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7076 of 2023

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Ranjay Kumar S/O Sri Vijay Kumar a proprietorship firm having its Head Office at Akbarpur, Patna resident of Village- Akbarpur, P.S.-Naubatpur, Distt.-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Water Resources Department, Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Water Resources Department, Government of Bihar, Patna.
4. The Under secretary, Water Resources Department, Government of Bihar, Patna.
5. The Chief Engineer, Water Resources Department, Flood Control and Water Drainage, Gopalganj, Siwan.
6. The Executive Engineer Water Resources Department, Government of Bihar, Flood Control and Water Drainage Division, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishore Prasad, Advocate
For the Respondent/s : Mr.Anjani Kumar (Aag 4)

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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 : 28-06-2023

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

“(i) To issue an appropriate writ(s), order(s), direction(s) in the nature of a writ of Certiorari for quashing the order passed by the respondent Engineer-in-Chief vide his memo no. 2807 dated 05.07.2022 (as contained in Annexure-7) where and where under the Registration



No.-Class-II- 85/2021 Path, of the petitioner has been blacklisted for the period of ten years under clause 11(k)(vii) under the Bihar Contractor's Registration Rules, 2007 (hereinafter referred to as the 'Rules') and thereby the petitioner has been restrained from participating in any tender. The show-cause is given by respondents under secretary and the order has been passed by Engineer-in-Chief.

(ii) To issue an appropriate writ(s), order(s), direction(s) in the nature of writ of Mandamus directing the respondents not to restrain the petitioner from participating in any other contract in pursuance of the order blacklisting the Registration of the petitioner and further to direct the respondents not to disqualify the petitioner from any tender on account of the said order of blacklisting of registration of the petitioner.

(iii) To grant any other relief or reliefs for which the petitioner is found entitled in the facts and circumstances of the case."

2. Learned counsel for the petitioner submitted that notice of black listing dated 03.06.2022 was served to the petitioner on 04.07.2022 and black listing order was passed on 05.07.2022. These dates and events suffice that petitioner was not even provided breathing time to file his reply to show-cause dated 03.06.2022 which was served on 04.07.2022. Therefore, we treat black listing order dated 05.07.2022 read with 03.06.2022 as a show-cause notice for black listing to the petitioner. The petitioner is permitted to file his objection in respect of proposed black



listing within a period of two weeks’ from the date of receipt of this order. Thereafter, the concerned/competent authority is hereby directed to pass speaking order after due consideration each of the contentions to be raised by the petitioner against the show-cause notice. The above proceedings shall be completed within a period of three months from the date of receipt of this order.

3. Accordingly, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2023
Transmission Date	NA

