

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6420 of 2023

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Anjali Enterprises, having its Office at Dakshini Chak, P.S. Athamalgola, District Patna through its Proprietor Amrendra Kuamr, aged about 39 Years, Male, Son of Sri Rajeshwar Singh, Resident of A/06, Housing Colony, Kankarbagh, P.s. Kankarbagh, P.O. Lohiya Nagar. District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Minor Irrigation Department, Government of Bihar, Patna.
2. The Engineer in Chief, Minor Irrigation, Department, Government of Bihar, Patna.
3. The Chief Engineer, Minor Irrigation, Department, Government of Bihar, Patna.
4. The Chief Engineer (planning, Monitoring and Geology) Minor Irrigation, Department, Government of Bihar, Patna.
5. The Chief Engineer In Charge Cum Superintending Engineer (Planning, Monitoring and Geology) Minor Irrigation, Department, Government of Bihar, Patna.
6. The Executive Engineer, Minor Irrigation, Division, Gaya, District Gaya, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha (GA-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)

4 19-05-2023 In the instant petition, petitioner has prayed for the following relief(s):-

“(i) Quashing of the Notice to Show Cause contained in Letter No. 131 dated 24.02.2023 (Annexure 4) issued by the In Charge Chief Engineer (Planning, Monitoring and Geology) by which the petitioner has been asked to show cause as to why on the allegation of submission of fake experience Certificate with interpolations in



the quantity of work in connection with Notice Inviting Tender No. 13/2021 - 22, the Registration of the petitioner be not blacklisted;

(ii) Quashing of the consequential order dated 13.04.2023 as contained in Letter No. 306. passed by the In Charge Chief Engineer (Planning, Monitoring and Geology) whereby, the Registration of the petitioner has been blacklisted for a period of 10 years in terms of Rule 11 (क) (vii) of the Bihar Contractors Registration Rules, 2007; and

(iii) Restraining the Respondents from taking any precipitative/coercive action by giving effect to the Letter No. 306 passed by the In Charge Chief Engineer (Planning, Monitoring and Geology), during the pendency of the present writ application and/or without the leave of this Hon'ble Court."

2. On 04.05.2023, the following order was passed.

“Learned counsel for the petitioner submitted that the present matter is covered by decisions of this Court. Learned counsel for respondent is hereby directed to peruse the same and make her submission on the next date of hearing.

Re-list this matter on 05.05.2023.”

3. Learned counsel for the respondent filed their counter statement during the course of the day.

4. Learned counsel for the State is not disputing that impugned action of the respondent is without issuing notice. On this short ground, the petitioner has made out a case, accordingly, Annexure-7 dated 13.04.2023 stands set aside, reserving liberty to the concerned respondent to proceed in accordance with law.



5. The concerned 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 Another***, reported in ***(2021) 2 SCC 551*** and ***Isolators and Isolators through its Proprietor Mrs. Sandhya Mishra vs. Madhya Pradesh Madhya Kshetra Vidyut Vitran Co. Ltd. & Anr.*** reported in ***2023 Livelaw (SC) 330***.

6. The above exercise shall be completed within a period of four months from the date of receipt of this order.

(P. B. Bajanthri, J)

(A. Abhishek Reddy , J)

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