

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8399 of 2023

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Avinash Gaurav S/o Rama Shankar Prasad Proprieter - M/S Anandi Construction Vill- Karinga Near Jaglal Chadhary College, P.O. - Mangaidih P.S.- Muffasil, Dist. - Saran Bihar 841301.

... .. Petitioner/s

Versus

1. State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Managing Director, Bihar State Educational Infrastructure Development Corporation, Patna.
4. The Engineer-in-Chief, Bihar State Educational Infrastructure Development Corporation, Patna.
5. The Chief Engineer, Bihar State Educational Infrastructure Development Corporation, Patna.
6. The Executive Engineer, Bihar State Educational Infrastructure Development Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vinayak Harshvardhan
For the Respondent/s	:	Mr. Smt. Binita Singh (Sc28)
		Mr. Kumar Kamal Nayan, AC to SC-28
For Respondent (BSEIDC):		Mr. Girish Kumar, Adv.

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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

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

- “a) To set aside the order dated 05.12.2022 as passed by the Respondents for want of adherence to principles of natural justice.*
- b) To issue writ of mandamus and/or any*



other appropriate writ(s) to set aside order dated 05.12.2022 and SCN dated 05.09.2022 as it is arbitrary and therefore in violation to Article 14.

c) To Grant ad-interim relief with respect to prayer under Para (a) to Para (c) above

d) To issue order(s), direction(s), writ(s) or any other relief(s) as this Hon'ble Court deems fit and proper in the facts and circumstances of the case and in the interest of justice.

e) To issue Rule Nisi in terms of prayers (a) to (d) above

f) To award Costs of and incidental to this application be paid by the Respondents."

2. On 21.06.2023, the following order was passed:-

"5th respondent - The Chief Engineer, Bihar State Educational Infrastructure Development Corporation, Patna is hereby directed to file counter affidavit.

2. One of the contentions raised by the petitioner is that there is a total non-application of mind by the Chief Engineer while ordering blacklisting.

3. Learned counsel for the petitioner pointed out that in the cited work he had not participated. On the other hand, the petitioner had participated in a different work. On this point, personal affidavit of the Chief Engineer be filed before the next date of hearing.

4. Re-list this matter on 05.07.2023."



3. During pendency of the present petition, the impugned communications/order dated 05.12.2022 vide Annexure P-3 stands withdrawn on behalf of the concerned respondent.

4. Therefore the present petition do not survive for consideration. If any fresh cause of action accrued, the petitioner is at liberty to question the validity of such action before the appropriate forum.

5. Accordingly, the present petition stands disposed of as infructuous.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Amrendra/ashish
kr/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	20.07.2023
Transmission Date	

