

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2757 of 2017

=====

Kajal Construction S/o Late Suresh Rai, resident of Mohalla- East Dighi Kala,
PS- Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Road Construction Department, Bihar, Patna.
3. The Engineer-in-Chief cum Additional Commissioner-cum-Special
Secretary, Road Construction Department
4. The Executive Engineer, Road Construction Department, Vaishali Road
Division, Hajipur.
5. The Assistant Engineer, Road Construction Department, Vaishali Road
Division, Hajipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Kamlesh Kumar Pathak
For the Respondent/s	:	Mr. Sushil Kumar-Gp22
For the State	:	Mr. Uday Prasad AC to GP-22

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

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

Date : 11-07-2023



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

“I. For quashing the order passed by the Engineer-In-Chief cum Additional Commissioner-Cum-Special Secretary, Road Construction Department, Bihar, Patna vide letter no.- 6318(E) dated 21.09.2016 whereby and whereunder blacklisting the registration of petitioner bearing Registration No. - Aa.Pra/Grade-3-06/2007 Road for 15 years. (Annexure-10)

II. For quashing the appellate order dated 12.01.2017 vide letter no. - 126(E) of the Secretary, Road Construction Department, Bihar, Patna by which he affirmed/confirmed the blacklisting order passed by Engineer-In-Chief vide letter no.- 6318(E) dt. 21.09.2016.

III. For any other exemplary relief/reliefs which deems fit and justicable to compensate the petitioner under given facts and circumstances of the instant case.”

2. One of the contention raised by the petitioner is that issuance of notice before blacklisting is not in terms of various judicial pronouncements to the extent that before blacklisting a person or a firm, show-cause notice must be specific. In the present case, there is no proposal for blacklisting the petitioner. On the other hand, show-cause notice is relating to taking action against the petitioner.

3. The same is not disputed by learned counsel for the



respondent.

4. Perusal of the show-cause notice read with blacklisting the petitioner for 15 years, it is evident that concerned authority has not issued a specific notice of blacklisting the petitioner. Therefore, on this short ground, the petitioner has made out a case and impugned order of blacklisting dated 21.09.2016 (Annexure-10) stands set aside and matter is remanded to the concerned/competent authority to proceed in accordance with law. In other words, a detailed show-cause notice be issued as to why the petitioner shall not be blacklisted for a particular period.

5. The competent authority is hereby directed to take note of Apex Court decision in the case of **UMC Technologies Private Ltd. v. Food Corporation of India & Another** (para nos. 13 and 14) reported in **2021 (2) SCC 551** and in the case of **Isolators and Isolators Vs. Madhya Pradesh Madhya Kshetra Vidyut Vitran Co. Ltd. & Anr.**, reported in **2023 SCC Online Sc 444** (para 20).

6. The competent authority is hereby further directed to complete the afore-mentioned exercise within a period of three months from the date of receipt of this order and to provide opportunity of hearing to the petitioner in terms of issuing a detailed/specific notice to the petitioner.



7. The writ petition stands allowed.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Amrendra/ashish
kr/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	14.07.2023.
Transmission Date	

