

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1086 of 2016

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Munna Singh Son of Late Rameshwar Prasad Singh, Resident of Mohalla-
Kadamkuan, Jagat Narayan Road, P.S. Kadamkuan, District Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Chief Engineer, Building Construction Department, Patna
3. The Superintending Engineer, Building Construction Department, Patna Circle, Patna
4. The Executive Engineer, Patna West Building Division, Danapur, Patna
5. The Executive Engineer, Patna West Road Division, Road Construction Department, Patna
6. The Assistant Engineer, Building Sub-Division, Building Construction Department, Danapur, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Sharma, Advocate
For the Respondent/s : Mr. Rajesh Kumar, GP-19

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

4 02-05-2023 None appears for the respective parties.

2. Perused the record.

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

“1. That this is an application for issuance of appropriate writ/ writs, order orders, direction / directions for quashing the letter no. 2638 dated 25.08.2015 issued under the signature of respondent Executive Engineer whereby and whereunder petitioner has been debarred from participating in any future bidding process without even giving any notice/show cause.



Petitioner further seeks any other relief/reliefs for which he has found entitled in the eye of law and in the facts and circumstances of the present case."

4. The petitioner has been debarred from participating in any future bidding process. Such a decision is without issuing notice as is evident from Annexure-1. Annexure-1 reads as under:-

कार्यपालक अभियंता का कार्यालय
पश्चिम, पटना पश्चिम मगध प्रमंडल, दानापुर, पटना-23
(शारदीयनगर, समुदायिक मगध, पटना-23)

दिनांक 25/8/15

सेवा में
मुख्य सिंह,
एक संप्रदाय, प्रसाद सिंह,
मदन कुँआ, जगत चरण शोह
पौड-कदम कुँआ, जिला पटना-3

विषय:- आपसी विवाद में भाग लेने से वंचित (Debar) करने के संबंध में।

परिपत्र:- इस कार्यालय का पत्रांक 2248 दिनांक 21.7.15

संदर्भ:-

अपनी प्रसादिक विषय के संबंध में कदम है कि आपसी संघ 269-272/400, सारदीयनगर, मगध प्रमंडल
कार्य पर आपको द्वारा एकतरफा विवाद मगध था, जिसका एकतरफा संघ-225 F2 2014-15 का एवं कार्य प्रारंभ की विधि
आ 10.14 का संवर्धन की विधि 19.1.14 है। आपका रजिस्ट्रेशन नं 4(पत्र) 2437/पटना/ वर्ष 12-13/पत्र है
आपके द्वारा नया संवर्धन की विधि तक एकतरफा के अनुसार कार्य पूरा नहीं किया गया है एवं जो भी कार्य किया गया
वह विविधियों के अनुसार संवर्धन नहीं पाया गया।

आ एकतरफा के शर्तों के अनुसार करने एवं करने के बावजूद भी उपेक्षा सुधार नहीं लाने के कारण आपको
आपसी विविधियों में भाग लेने से वंचित किया जाता है।

निस्कारणार्थ
कार्यपालक अभियंता
पटना पश्चिम मगध प्रमंडल
दानापुर, पटना।
24.8.15

5. The aforesaid communication is only referring to show-cause notice dated 21.07.2015, however, there is no



discussion for which period he is not entitled to participate in future bidding process. In other words, indefinitely he has been debarred from participating in any future bidding process. The impugned communication is without application of mind.

6. Apex court in the case of *M/S Chauhan Builders Raibareli Vs. The State of Uttar Pradesh and Ors.*, reported in *2022 Livelaw (SC) 694* has held that debarring or blacklisting indefinitely a contractor would be too harsh. Further, notice must be specific to the extent that for which period debarment or blacklisting has been proposed. In the absence of these materials, the petitioner has made out a case. Accordingly, Letter No. 2638 dated 25.08.2015 (Annexure-1) stands set aside.

8. The writ petition stands allowed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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