

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14044 of 2021

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Shri Jitendra Kumar, S/o Kuldeep Yadav, Resident of Village-Chandauti, P.S.
Chandauti, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary Rural Works Department,
Government of Bihar, Patna, Bihar.
2. The Principle Secretary, Rural Works Department, Government of Bihar,
Patna, Bihar.
3. The Secretary, Rural Works Department, Government of Bihar, Patna, Bihar.
4. The Engineer in Chief, Rural Works Department, Government of Bihar,
Patna, Bihar.
5. The Executive Engineer, Rural Works Department, Works Division,
Imamganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Archana Sinha, Advocate Mr. Alok Kumar, Advocate
For the Respondent/s	:	Mr. Kumar Alok, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 03-05-2023

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

*“(i) For issuance of a writ
in the nature of certiorari to quash the
order dated 20.08.2020 (Annexure-1)
by which Respondent No. 4 has
blacklisted the petitioner for ten years
stating that the documents with regard
to experience certificate and turnover
submitted by the petitioner is forged.*



(ii) For issuance of a writ in the nature of certiorari to quash the letter dated 19.10.2020 (Annexure-2) issued by Respondent No. 5 by which the advance money and the security of Rs. 31,41,000/- has been forfeited and recovery proceeding has been directed to be initiated.

(iii) For issuance of a writ in the nature of certiorari to quash the letter dated 24.08.2020 (Annexure-4) by which the respondent No. 4 has directed for re-tender of work of T03 Dumarawan to NH via Tillaiya Delho.

(iv) For issuance of any other relief or relief(s) for which the petitioner is entitled for.”

2. The petitioner was successful bidder in respect of particular work. It is reliably learnt that petitioner had executed certain works. At that juncture, the respondents noticed that the petitioner is alleged to have filed false affidavit by taking note of alleged filing of false affidavit notice has been issued on 30.07.2020 Annexure-R/H. Thereafter, proceeded to black-list the petitioner for a period of 10 years on 20.08.2020.

3. Hence, the present petition insofar as challenging black-listing and consequential orders. Perusal of show-cause notice dated 30.07.2020, it does not reveal specific notice of black-listing the petitioner for a period of 10 years. Further, the petitioner has contended that notice has not been served on the petitioner



vide Para 6 of the writ petition. On the other hand, the same has been countered merely stating that show-cause notice dated 30.07.2020 has been served on the petitioner without producing any material information so as to meet or counter Para 6 of the writ petition. Even otherwise the petitioner has made out a case, since show-cause notice dated 30.07.2020 showing dearth of material information like proposal to black-list the petitioner for a period of 10 years. Apex Court in the case of ***UMC Technologies Pvt. Ltd. vs. Food Corporation of India and Another***, reported in **(2021) 2 SCC 551** read with ***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** held that show-cause notice must be very specific insofar as black-listing or debarring contractor.

4. In the light of these facts and circumstances, the petitioner has made out a case accordingly, Annexure-R/H dated 30.07.2020 is set aside. Reserving liberty to the concerned respondent to initiate appropriate proceedings if it is warranted.

5. Such proceedings, if any, shall be completed within a period of four months from the date of receipt of this order. The concerned authority is hereby directed to take note of judicial



pronouncements cited in the present order before proceeding further, if any.

6. Accordingly, the present writ petition stands allowed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.05.2023
Transmission Date	NA

