

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11771 of 2018

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Amit Kumar Shahi Son of Sri Abhay Kumar Shahi, Resident of Village and
P.O. Pratap Tand, P.S.- Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Rural Works Department,
Government of Bihar, Patna.
2. The Engineer-in-Chief, Rural Works Department, Government of Bihar,
Patna.
3. The Chief Engineer-III, Rural Works Department, Government of Bihar,
Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle,
Muzaffarpur.
5. The Executive Engineer, Rural Works Department, Works Division, Mahua,
District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Durga Nand Jha, Advocate Mr. Ram Naresh Jha, Advocate
For the Respondent/s	:	Mr. Kumar Alok -SC-7 Mr. Satyeshwar Prasad, AC to SC-7

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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)

3 23-03-2023 In the instant petition, petitioner has prayed for
following reliefs:-

"(i) Issuance of a writ in the
nature of certiorari for quashing the letter as
contained in Mem no. 14/A.R.-1-84/16-
7779 dated 27.6.2016 issued under the
signature of the Engineer in Chief, Rural
Works Department, Government of Bihar,
Resondent no. 2 whereby and where under
the petitioner has been declared defaulter
and has been debarred/restrained from
participating in any tender in future, in most



arbitrary manner and there being no fault on the part of petitioner.

(ii) Issuance of an appropriate declaration and holding that the Engineer-in-Chief for his extraneous consideration, in most illegal manner has declared the petitioner as defaulter without appreciating the fact that the road under PMGSY being (i) LO70 Islampur to Islampur North Tola (Track VR-70) BR-36R-192 (ii) Hajipur Mahua Road to Mansipur Tola (Track-99) BR-36R-193 (iii) Belwar hat Railway Gumati to Rasulpur Enayat Urf Babhan South Tola (TRACK-88) BR-36R-194 were under encroachment made by the people of concerned locality and after herculean efforts the roads in question were made free from encroachment by the Circle Officer Goraul in December 2016 and to this effect the Circle Officer had informed the Assistant Engineer Works Sub-division Goraul vide letter no. 1564 dated 29.12.2016 and thereafter the works were fully completed on 4.4.2017 ie. within three months approx. after dispute was over and thus petitioner cannot be declared defaulter and in that view of the matter the letter dated 27.6.2016 (Annexure- 1) is fit to be quashed being illegal.

(iii) Issuance of an appropriate declaration that once petitioner had not been at fault in completing the works within stipulated period as the lands over which Roads were to be constructed was under dispute and construction was not being made until dispute was to come an end and after dispute was resolved, the construction, was completed, and thus the petitioner cannot be declared defaulter for the fault of Respondents.

(iv) Issuance of further declaration that once petitioner has completed the assigned/agreed works, bills were prepared



and paid, there appears no rational to debar the petitioner for participating in any tender in future and under the circumstance the Respondent no. 2 is enjoined with law to recall his order dated 27.6.16 (Annexure-1) for which right from J.E. to superintending engineer have recommended to delete the name of petitioner from the list of debarment.

(v) Any other relief or reliefs be granted to petitioner to which the petitioner is found to be entitled to on accordance with law."

During pendency of the present petition competent authority has passed order on 11.02.2019 removing the debarment order.

In the light of these facts and circumstances, present petition does not survive for consideration.

Accordingly, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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