

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11407 of 2022**

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M/s. Brijnandan Singh through its Partner Brijnandan Singh, aged about 62 years, Male, son of Late Mangru Singh, Resident of Village Lahthan, P.S. Agiaon Bazar, District Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
3. The Engineer in Chief, (Head Quarters), Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Food Control and Drainage, Water Resources Department, Katihar, District Katihar, Bihar.
5. The Director, Mines and Geology Department, Government of Bihar, Patna.
6. The Superintending Engineer, Irrigation Circle, Bhagalpur, District Bhagalpur, Bihar.
7. The Executive Engineer, Food Control Division, Naugachia, District Bhagalpur, Bihar.
8. The Mines Development Officer, Bhagalpur, District Bhagalpur, Bihar.

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 12949 of 2022**

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M/s. Brijnandan Singh through its Partner Brijnandan Singh, aged about 62 years, Male, S/o Late Mangru Singh, Resident of Village- Lahthan, P.S.- Agiaon Bazar, District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, (Head Quarters), Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer, Flood Control and Drainage, Water Resources Department, Katihar, District- Katihar, Bihar.
4. The Director, Mines and Geology Department, Government of Bihar, Patna.
5. The Executive Engineer, Flood Control Division, Naugachia, District- Bhagalpur, Bihar.
6. The Mines Development Officer, Bhagalpur, District- Bhagalpur, Bihar.



... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 14287 of 2022**

M/s. Brijnandan Singh through its Partner Brijanandan Singh, Aged about 62 years, Male, Son of Late Mangru Singh, Resident of Village Lahthan, P.S. Agiaon Bazar, District Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Engineer in Chief, Water Resources Department, Government of Bihar, Patna.
3. The Under Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Flood Control and Drainage, Water Resources Department, Patna.
5. The Executive Engineer, Flood Control and Drainage Division, Ekangersarai, Nalanda.

... .. Respondent/s

**Appearance :**

(In Civil Writ Jurisdiction Case No. 11407 of 2022)

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate  
For the Respondent/s : Mr.Vinay Kirti Singh ( Ga 2 )  
For the Mines : Mr.Naresh Dikshit Kalpana, Advocate

(In Civil Writ Jurisdiction Case No. 12949 of 2022)

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate  
For the Respondent/s : Mr.Deepak Sahay Jamuar, AC to AAG

(In Civil Writ Jurisdiction Case No. 14287 of 2022)

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate  
For the Respondent/s : Mr.Vinay Kirti Singh (Ga2)  
Mr.Akhileshwar Singh, Advocate  
For the Mines : Mr.Naresh Dikshit Kalpana, Advocate

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

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

9 03-05-2023

**CWJC No. 11407 of 2022**

Learned counsel for the petitioner after arguing for



some time seeks permission to withdraw the present writ petition no. 11407 of 2022.

Accordingly, the writ petition stands dismissed as withdrawn.

**16.1: CWJC No. 12949 of 2022; 16.2: CWJC No. 14287 of 2022**

Principal Secretary/Secretary, Water Resources Department, Government of Bihar is hereby directed to file his personal affidavit as to whether Secretary is competent authority to issue a show-cause notice insofar as blacklisting the contractor or not?

Learned counsel for the petitioner submitted that the competent authority is the registering authority under the Bihar Contractor Registration Rules, 2007. Clause 4 is extracted as under:-

*“Clause 4: (a) The registration shall remain valid for 5 (five) years. During this period, contractor registered in lower class may get themselves registered in upper class by depositing the additional fee, if they so desire.*

*(b) The Engineer-in-Chief or an officer not below the rank of Chief Engineer, so notified by the State Government, shall be the registration officer.*

*(c) Contractors registered in any of the above three Classes shall be eligible to tender anywhere in the State of Bihar for works related with Rural Works Department and its agencies.*

*(d) Contractors registered in*



*class-I and II may submit tender respectively in one class below.”*

The aforesaid contention of the petitioner shall be taken note of by the Principal Secretary/Secretary of Water Resources Department before filing his personal affidavit as to who is the competent authority. Such affidavit shall be filed within a period of 10 days from today.

Registry is hereby directed to de-link and re-list CWJC No. 12949 of 2022 and CWJC No. 14287 of 2022 on 17.05.2023.

**(P. B. Bajanthri, J)**

**( Arun Kumar Jha, J)**

abhishekk/-

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