

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10895 of 2023

=====

Amit Kumar Shahi S/o Abhay Kumar Shahi, Resident of Village- Gannipur, Ward No. 29, Bina Bhawan Thakur, Nageshwar Lane, Nort of ITI, Saria, Sadullapur, District- Muzaffarpur, through its proprietor, Amit Kumar shahi, S/o- Abhay Kumar Shahi, having its registered office Village and Post-Prataptand, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Chief General Manager, Bihar State Building Construction Corporation Limited, Government of Bihar undertaking, Patna.
3. The Secretary, Buliding Construction, Government of Bihar, Patna.
4. Engineer-in-Chief-cum-Commissioner-Special Secretary, Building Construction, Government of Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sourav Suman, Advocate
For the Respondent/s	:	Mr. Manoj Kr. Ambastha (SC 26)
	:	Mr, Santosh Kumar Mishra, AC to SC- 26

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 06-11-2023

In the instant petition, petitioner has prayed for the following reliefs:-

"(i) That the present writ application is being filed for issuance of an appropriate writ order/ direction(s) in the nature of Certiorari for quashing and setting aside the Order of Suspension from participating in future tenders for next three years vide Letter No. 1983 dated 17.03.2021 (contained in Annexure-P//) on the ground of same being blatantly illegal, without



jurisdiction, mala fide & violative of Bihar Contractors Registration Rules, 2007 and in complete contravention of principles of natural justice;

(ii) And further for quashing and setting aside the letter bearing memo no. 705 (h) dated 31.1.22 whereunder the respondent no. 4 has upheld the earlier bearing memo no, 1983 dated 18.3.21 by not considering the explanation of the petitioner and also for quashing the letter bearing memo no. 5851 (M) dated 18.8.2022 issued by Respondent no. 2 by which order the respondent no. 2 i.e., Secretary Building Construction Department has dismissed the appeal filed by the petitioner in most mechanical way without application of mind.

(iii) That the present writ application is being filed for issuance of an appropriate writ order/direction(s) in the nature of mandamus for a direction to the concerned Respondents to revoke the Order of Suspension of the petitioner and to enable to him to participate in future/upcoming tenders.;

(iv). That the present writ application is being filed for issuance of an appropriate writ order/direction(s) in the nature of Mandamus for a mandatory injunction commanding the concerned respondents to forthwith withdraw, rescind and/or cancel the Order of suspension from participating in tender for 3 (three) years and to allow him to participate



in other/ different tender(s) issued by the concerned respondents;

(v). And for issuance of any other relief or relief(s) for which the petitioner is entitled for."

2. The petitioner was awarded certain works. In the process of tender, petitioner is stated to have furnished experience certificate issued by the Bihar State Educational Infrastructure Development Corporation Limited (for short 'Corporation'). The experience certificate dated 17.09.2019 issued by the Corporation is stated to have been tampered by the petitioner in order to impress the authority insofar as award of contract.

3. The respondents submitted that having regard to the tampered experience certificate furnished by the petitioner, the registration of the petitioner has been suspended for a period of three years on 17.03.2021. On 10.09.2020, the contract was stated to have been canceled. Petitioner feeling aggrieved by the blacklisting order dated 17.03.2021 preferred appeal before the appellate authority. The appellate authority remanded the matter to the concerned authority who has blacklisted the petitioner for a period of three years. On remand blacklisting authority confirmed the earlier blacklisting order dated 17.03.2021 on 30.01.2022. Thereafter, once again petitioner preferred appeal before the



appellate authority and appellate authority confirmed the blacklisting order dated 31.01.2022 on 18.08.2022.

4. Having regard to the conduct of the petitioner, there is no infirmity in the blacklisting order for a period of three years. Petitioner has not apprised or disputed the experience certificate produced by him and it was tampered in respect of brick work, electrical work and PHED work as is evident from records.

5. In the absence of any question of law or procedural lapses, this Court cannot interfere insofar as blacklisting the petitioner for a period of three years. That apart, blacklisting order dated 17.03.2021 and it has been confirmed in the year 2022 are taken into consideration the petitioner has almost completed blacklisting period as on this day. Therefore, no interference is called for, hence, this writ petition stands dismissed.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

