

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2760 of 2016

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1. M/s Maa and Company S/o Late Bharat Prasad Srivastav Near Techno Point, Lal Bag, Tilkamanjhi, P.S.- Barari, District- Bhagalpur.
 2. Ajay Kumar S/o Late Bharat Prasad Srivastav Near Techno Point, Lal Bag, Tilkamanjhi, P.S.- Barari, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Road Construction Department, Patna
2. Engineer in Chief-cum Additional Commissioner-cum Special Secretary, Road Construction Department,
3. Chief Engineer National Highway Division Road Construction Department, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amarendra Kumar, Advocate
For the Respondent/s : Mr. Rajesh Kumar, AC to GP-3

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

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

3 02-05-2023 In the instant writ petition, petitioner has prayed for
the following relief(s):-

“(i) A writ in nature of certiorari or any other writ or order or direction be issued quashing the office order of Respondent No.-2 bearing Ref. No. 2013-241 dated 28.08.2015 communicated through Memo No. 2013/5524(E) dated 28.08.2015 whereby and where-under the registration of petitioner company firm with the Road Construction Department has been black listed for 10 years.

(ii) Any other writ or orders or direction to which the petitioner is found entitled may kindly be issued.”

02. The petitioner has been blacklisted for ten years.



In this regard, notice was issued on 14.02.2014, for which, the petitioner is stated to have filed his reply on 01.03.2014, as is evident from the blacklisting order dated 28.08.2015.

03. Firstly, we have noticed that there is no specific notice of blacklisting the petitioner for a period of ten years, in other words, notice is silent on this point. Further, petitioner's reply to the notice, has not been examined in detail. In the absence of specific notice of blacklisting for a particular period, on this short ground, the petitioner has made out a case.

04. Further, it is to be noted that blacklisting for a period of ten years was an order dated 28.08.2015 and we are in the year 2023. Therefore, in the interest of litigant, we treat this blacklisting up to this day. However this order would not be a hurdle for any other ancillary issues of the same contract to be agitated by the respective parties.

05. To the above extent, the writ petition stands allowed in-part.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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