

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10401 of 2023

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Rajnish Kumar Singh Son of Late Mod Narayan Singh, Residing at Housing Colony, Indra Nagar, P. S.-K. Hat , District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Road Construction Department, Bihar, Patna.
2. The Executive Engineer, Road Construction Department, Road Division, Purnea.
3. The Nagar Aayukta, Nagar Nigam, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Anand, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha, GP 27
		Mr. Bijendra Kumar Singh, Advocate

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

Date : 11-08-2023

Heard learned counsels for the respective parties.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“(i) For issuance of an appropriate writ for quashing of the order contained in Memo No. 1775 dated 17-12-2022 (Annx – 6) passed by the Executive Engineer, Road Construction Department, Road Division, Purnea by which the respondent no. 2 has Black Listed the petitioner.

(ii) For issuance of an appropriate writ for quashing the order contained in Memo No. 3071 dated 14.12.2022 (Anx. - 5) passed by the respondent no. 3



by which the respondent 3 has recommended the respondent no. 2 to put the petitioner in the Black List.

(iii) For issuance of an appropriate writ directing and commanding the respondents to give the petitioners all consequential benefits after quashing the aforesaid orders dated 17-12-2022(Anx-6) and 14-12-2022 (Anx. - 5)

(iv) For issuance of an appropriate writ, order or direction directing and commanding the respondents to pay the petitioner his due amount for the work done by the petitioner.

(v) For issuance of an appropriate writ directing and commanding the respondents to pay the petitioner interest for the delayed payment of his legitimate claims.

(vi) For any other relief/reliefs of which the petitioner is legally entitled to.”

3. With the consent of learned counsels for the respective parties, the matter is taken up for final disposal.

4. The petitioner has been blacklisted for indefinite period *vide* Annexure – 6 dated 17.12.2022. The same is not disputed by the respondent counsel. We have found that there is no specific notice of blacklisting the petitioner and further, the petitioner has been blacklisted for indefinite period. On these two issues, matter is covered by decisions of Hon’ble 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 *M/s*



Chauhan Builders Raibareli vs. State of Uttar Pradesh & Ors.,
SLP(C) No. 32840 of 2018, reported in 2022 LiveLaw (SC) 694.

5. Accordingly, impugned order contained in Memo No. 1775 dated 17.12.2022 (Annexure - 6) and order contained in Memo No. 3071 dated 14.12.2022 (Annexure - 5) stand set aside. Reserving liberty to the concerned authority to proceed in accordance with law after giving specific notice of blacklisting.

6. The competent authority is hereby directed to take note of principles laid down by the Apex Court in the decisions cited *supra* and proceed accordingly within a period of three months from today.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2023
Transmission Date	NA

