

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10655 of 2023

Kundan Kishor, Male, aged about 31 years, S/o Yogendra Prasad Singh, Resident of Mohalla-Magadh Colony, Road No.-7, P.S.-Magadh Medical, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar of Bihar through its Secretary, Planning and Development Department, Government of Bihar, Patna.
2. The Chief Engineer, Local Area Engineering Organization, Visheswariya Bhawan, Bailey Road, Patna.
3. The Chief Engineer, (Work Management), Road Construction Department, Bihar, Patna.
4. The Superintending Engineer, Local Area Engineering Organization, Magadh Circle, Gaya.
5. The Executive Engineer, Local Area Engineering Organization, Work Division-02, Sherghati, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Ranjan Kumar, Advocate
For the Respondent/s	:	Mr. Madhaw Prasad Yadav (GP 23)
		Mr. Arvind Kumar, AC to GP 23.

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

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

2 11-08-2023 In the instant writ petition, petitioner has prayed for
the following reliefs:-

"For quashing the Letter vide Memo No. 1500 dated 22.07.2022 issued under the signature of Chief Engineer, Local Area of Engineering Organization, Planning and Development Department, Government of Bihar, Patna by which the registration of the Petitioner being Class IV contractor of Road Construction Department has been recommended to be put in the



Blacklist by respondent No. 02 and also for quashing the Letter No. 4781 (2) dated 22.08.2022 issued under the signature of Engineer-in-Chief (Work Management), Road Construction Department, Government of Bihar, Patna by which the registration of the petitioner have been recommended to blacklisting and further he has been debarred from participating in the Tender, by the Respondent No. 02.

For commanding the respondents to allow the petitioner to participate in other Tender Notice issued or to be issued by the Road Construction Department, Government of Bihar, Patna.

For holding that the impugned orders are illegal, arbitrary and without any lawful justification."

2. Perusal of Annexure-2 dated 22.08.2022 is only recommendation/proposal for blacklisting the petitioner. Therefore, the present petition is premature. Accordingly, the present petition stands disposed off reserving liberty to the petitioner to assail as and when final order of blacklisting is passed by the competent authority. The competent authority is hereby directed to take note of that the petitioner is required to be heard in the matter before passing the final order. In other words, after due notice of blacklisting and for a particular period all these things are required to be taken note of by the competent authority who is proposed to pass an order of blacklisting. He/she is hereby di-



rected to take note of judicial pronouncements like **UMC Technologies Pvt. Ltd. vs. Food Corporation of India and Another**, reported in **(2021) 2 SCC 551** read with **Isolators And Isolators Through Its Proprietor Mrs. Sandhya Mishra vs. Madhya Pradesh Madhya Kshetra Vidyut Vitran Co. Ltd. & Anr.** reported in **2023 SCC Online SC 444**.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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