

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10596 of 2023

=====

M/s Good Year Security Services Registered Office at A-75, Upper Ground Floor, Sector-8, Dwarika, New Delhi- 110077 through its authorized representative Mr. Karan Kumar, Male, aged about 20 years, son of Shri Manohar Singh, resident of ss0522151, Flour mill Road, Near Middle School, Ward No. 24, Line Basti, Tatma Toli, Purnea, Bihar-854301.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Urban Development PMC, Bihar, Patna.
2. The Patna Municipal Corporation, through the Municipal Commissioner, Patna Municipal Corporation, Second Floor, Block-C, Maurya Lok Complex, Budha Marg, Patna, Bihar.
3. The Municipal Commissioner, Patna Municipal Corporation, Second Floor, Block-C, Maurya Lok Complex, Budha Marg, Patna, Bihar-800001.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Navendu Kumar, Advocate
For the PMC	:	Mr. Mr. Prasoon Sinha, Advocate
For the State	:	Mr. Arvind Kumar, AC to GA 9

=====

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

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

4 14-09-2023 In the instant petition, the petitioner has prayed for

the following reliefs:

*"(i) Quashing/setting aside the
Letter No.09677 dated 06.07.2022
[Annexure-19] under the signature of the
Commissioner, Patna Municipal
Corporation signed on 28.06.2022
indicating that vide Proposal No.281 dated
17.06.2022 in the 26th General Meeting of
the Nigam Parshad (Municipal Councillor)
it is unanimously decided to accept the*



proposal of Nigam Parshad (Municipal Councillor) to blacklist the Petitioner, the copy of which (letter dated 06.07.2022) or any formal order of blacklisting was neither marked nor given to the Petitioner and the Petitioner got to know about the said letter dated 06.07.2022 only when the PMC served a copy of counter affidavit in April, 2023 filed in another matter between the Petitioner and the Respondent Corporation in CWJC No.2435 of 2023;

(ii) Quashing/setting aside of the decision taken upon the purported Proposal No.281 dated 17.06.2022 in the 26th General Meeting of the Nigam Parshad (Municipal Councillor) by which the petitioner was allegedly blacklisted. The concerned respondents may be directed to produce the same before this Hon'ble Court, as the said Proposal was neither been served to the petitioner nor was made available to the petitioner.

(iii) Quashing/setting aside the letter bearing no. 11400 dated 13.08.2022 [Annexure-27] issued under the signature of the Patna Municipal Commissioner by which performance security of the petitioner was forfeited;

(iv) Quashing/setting aside the show cause notices bearing letter nos.10364 dated 22.07.2022 and 10854 dated 02.08.2022 issued under the signature of the Patna Municipal Commissioner;

(v) Directing to the concerned



authorities of PMC to make payment of due bills against the services of the petitioner, which has been held without passing of any kind of order, without any rhyme and reason;

(vi) Imposing exemplary cost upon the erring officials including the Commissioner of the Patna Municipal Corporation ; and

(vii) Pass any such other writ(s)/order(s)/direction(s) as your lordships may deem fit and proper to meet the ends of justice in the given factual and legal matrix of the case in hand.

2. Facts of the case are identical to that of order dated 27.06.2023 passed in C.W.J.C. No.1148 of 2023. The only difference is petitioner therein was blacklisted for a period of three years whereas in the present petition the petitioner has been blacklisted/debarred for an indefinite period. Even such other issue like forfeiture of the performance security *vide* order dated 13.08.2022 consequent upon blacklisting the petitioner on 06.07.2022 for an indefinite period is also subject matter in the present petition.

3. In principle, the matter is squarely covered by the decision of this Court dated 27.06.2023 passed in C.W.J.C. No.1148 of 2023.

4. Accordingly, the impugned orders dated



06.07.2022 and 13.08.2022 are set aside. Insofar as the financial dispute, if any, the same could be adjudicated before the Arbitrator.

5. Accordingly, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Vikash/-

U			
---	--	--	--

