

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10934 of 2023

Jai Maa Bhawani Construction Pvt. Ltd., through its Managing Director namely Lalit Kumar Singh, Gender- Male, aged about -66 years, Son of late Bhishma Narayan Singh, Resident of Village Deodha, P.S.- Deepnagar, District Nalanda, Bihar Sharif.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Secretary, Rural Works Department, Vishweshwariya Bhawan, Bailey Road, Patna.
3. The Engineer-in-Chief, Rural Works Department, Vishweshwariya Bhawan, Bailey Road, Patna.
4. The Chief Engineer- 3, Rural Works Department, Vishweshwariya Bhawan, Bailey Road, Patna.
5. The Superintending Engineer, Rural Works Department, Works Circle, Darbhanga.
6. The Executive Engineer, Rural Works Department, Works Division, Darbhanga- 2.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lal Babu Singh, Advocate
For the Respondent/s : Mr. Ajay (GA 5)

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 :-

"(i) For quashing of the order dated 18.01.2023 contained in Memo No. 364 (Annexure V) passed by the respondent Engineer-in-Chief whereby the petitioner has been blacklisted for a period of ten years under the provisions of Rule-11 (ka) (vi) of the Bihar Contractor Registration Rule, 2007 and Clause-8(1)(b) of the office order No. 154



dated 18.06.2015 of the Road Construction Department, Bihar.

(ii) For quashing of the Appellate order dated 28.06.2023 contained in Memo No. 3410 (Annexure-7) whereby the Respondent Secretary has dismissed the order of blacklisting dated 18.01.2023 contained in Memo No. 364.

(iii) For a direction to the Respondents not to act upon the order of the blacklisting dated 18.01.2023 contained in Memo No. 364 and the appellate order dated 28.06.2023 contained in Memo No. 3410 as if both orders never existed.

(iv) For appropriate declarations that-

a) The impugned order of blacklisting dated 18.01.2023 and the Appellate order are violative of principles of natural justice and fair play.

b) The grounds taken by the petitioner in his reply are completely go by the respondents and without considering the plea taken by the petitioner in his reply the impugned orders have been passed.

(v) For a direction to the respondents to allow the petitioner in participating in the future tender during pendency of the present writ application.

(vi) For any other relief(s) or consequential relief(s) to which the petitioner may be found entitled to in the facts and circumstances of this case.

2. Petitioner has been blacklisted for ten years. There is no specific notice of blacklisting the petitioner for a period of ten years. In the absence of specific notice of blacklisting for a particular period, the petitioner is entitled to relief in the light of Hon'ble Apex Court decision in the case of **State of Odisha &**



Ors. Vs. Panda Infraproject Ltd. reported in **(2022) 4 SCC 393** (Para 23). Accordingly, the impugned orders dated 18.01.2023 (Annexure-5) and 28.06.2023 (Annexure-7) stand set aside reserving liberty to the concerned authority to proceed after issuing a detailed specific notice of blacklisting the petitioner for a period of ten years. On receipt of such specific notice by the petitioner, he is hereby directed to submit reply/explanation. On receipt of petitioner's explanation/reply, competent authority is hereby directed to proceed to pass afresh order after due consideration of each and every contention to be raised by the petitioner against specific show cause notice. The above exercise shall be completed within a period of three months from the date of receipt of this order.

3. Accordingly, the present writ petition stands allowed.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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