

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10611 of 2023

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Satyendra Kumar Construction Pvt. Ltd. having its registered office at 202, Hira Enclave, New Dak Bunglow Road, P.S. Kotwali, District Patna through its Director Satyendra Kumar, son of Sri Bhagwan Das, aged about 61 years, Male, resident of 202, Hira Enclave, New Dak Bunglow Road, P.S. Kotwali, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Secretary, Department of Education, Government of Bihar, Patna.
4. The Bihar State Educational Infrastructure Development Corporation Ltd., (A Government of Bihar Undertaking), Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004 through its Managing Director.
5. The Managing Director, Bihar State Educational Infrastructure Development Corporation Ltd., Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004 .
6. The Chief Engineer, Bihar State Educational Infrastructure Development Corporation Ltd., Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004.
7. The Chief Consultant (Technical), Bihar State Educational Infrastructure Development Corporation Ltd., Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate Mr. Chandan Kumar, Advocate
For the State	:	Smt. Binita Singh (SC-28) Mr. Vivek Anand Amritesh, AC to SC-28
For the BSEIDC	:	Mr. Girijish Kumar, 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 : 01-08-2023

Heard learned counsels for parties.



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

"(i) Quashing of the office Order No. 196 dated 07.07.2023 as contained in Memo NO. 5562 issued by the Managing Director Bihar State Education Infrastructure Development Corporation Limited by which, the petitioner has been blacklisted for a period of 10 years and further more the security deposit of Rs. 63,38,217/- has been forfeited for the allegation of committing irregularity and negligence in the course of execution of the work; and

(ii) Restraining the Respondents from giving effect to the order dated 07.07.2023 as contained in Office Order No. 196 during the pendency of the present writ application and/or without the leave of this Hon'ble Court."

3. One of the contention raised by the petitioner is that show cause notice does not indicate proposed blacklisting for a particular period and the same has not been disputed by the learned counsel for the respondent. The aforementioned issue is well-settled that the concerned authority was required to issue a specific notice of blacklisting for a particular period in the light of judicial pronouncements in the case of *M/s Chauhan Builders Raibareli vs. State of Uttar Pradesh & Ors.* in *SLP (C) No. 32840 of 2018*.

4. Accordingly, Office Order No. 196 dated 07.07.2023, vide Memo No. 5562, blacklisting and



consequential order is set aside and the present writ petition stands allowed.

5. The concerned authority is hereby directed to carry out further proceedings like issuance of specific notice for blacklisting etc. and pass afresh speaking order. Complete the aforementioned exercise within a period of two months from the date of receipt of this order, reserving liberty to the petitioner to file objections and raise all other contentions before the authority in his objections.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	04.08.2023
Transmission Date	N.A.

