

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2401 of 2017

Shiv Kalyani Construction Pvt. Ltd. S/o Late Maheshwari Prasad Singh
resident of Mohalla - New Area, Bisar Tank Road, Gaya, P.S. - Civil Lines,
District - Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Government of Bihar, Rural Work Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
2. The Engineer in Chief, Rural Works Department, Bishweshwaraiya Bhawan, Bailey Road, Patna.
3. The Chief Engineer, Rural Works Department, Vishweswaraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, Rural Works Department, Works Division, Imamganj, District - Gaya.
5. The Executive Engineer, Rural Works Department, Works Division, Imamganj, District - Gaya.
6. The Project Manager, Rural Works Department, Works Division, Imamganj, District - Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Advocate
For the Respondent/s : Smt. Archana Meenakchee -Gp6

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

3 13-04-2023 In the instant petition, petitioner has prayed for the
following relief(s):-

“1. That this writ application is being file in the nature of writ of certiorari for quashing the order dated 22.6.2016 (so far the petitioner is concerned), issued under the signature of Chief Engineer, Rural Work Department, Bihar, Patna vide letter no. 7567 by which and where under the petitioner is debarred from participation of the future tender after proclamation of defaulter due to non per formation of the works as per guide line given in the agreement and for issuance of any appropriate writ or writs, order or orders,



direction or directions as your lordships may deem fit and proper.”

2. Respondents have filed counter affidavit. In the counter affidavit, there was a recommendation of Superintending Engineer on 08.02.2018 to remove the petitioner's name from debarment, in view of the fact that petitioner has executed the work. A formal order was required to be passed by the Chief Engineer in removing the name of the petitioner from the debarred list. As on today, the same has not been placed on record. If the Chief Engineer has already passed an order, then nothing remains in the present *lis*. In the event of non-passing of any order based on the recommendation of the Superintending Engineer dated 08.02.2018, the Chief Engineer is hereby directed to pass a suitable order and communicate the same to the petitioner.

3. The above exercise shall be completed within a period of two months from the date of receipt of this order.

4. Accordingly, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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