

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11728 of 2023

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Ratnesh Kumar Singh Son of Sri Rameshwar Singh Resident of Village
Khoksha Kalyan, P.O.- Khoksha Buzurg, P.S. Deshri, District Vaishali, Bihar.

... .. Petitioner/s

Versus

1. 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.
2. The Managing Director, Bihar State Educational Infrastructure Development
Corporation Ltd., Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus,
Acharya Shivpujan Sahay Path, Saidpur, Patna 800004.
3. The Chief Engineer, 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 Mr. Ansh Prasad, Advocate
For the Respondent/s	:	Mr. Girijish Kumar, Advocate

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

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

2 21-08-2023 In the instant petition, petitioner has prayed for the
following relief(s):-

*“1. (i) Quashing of the Office order No.
127 dated 11.05.2023 as contained in Memo No.
4014 issued by the Chief Engineer under
instructions of the Managing Director, BSEIDC by
which, on the basis of an uncommunicated exparte*



report from the Engineer, jurisdictional BPBCC, Executive Darbhanga, Darbhanga Division, and without issuing any Show Cause Notice contemplating the action of blacklisting the petitioner has been blacklisted for a period of 10 years in Registration terms of the Contractors Rules, 2012 read with Resolution vide Agenda No. 12/41 in the 41st Meeting of Board of Directors, read with Contractors Registration Rules, 2012;

(ii) A declaration to the effect that the aforesaid order of blacklisting dated 11.05.2023 contained in Office Order No. 127 as contained in Memo No. 4014 shall not be an impediment and the consideration of the Tender which have already been submitted by the petitioner and also in further tender process; and

(iii) Staying the operation of Office Order No. 127 dated 11.05.2023 as contained in Memo No. 4014 issued by the Chief Engineer as contained in Annexure 3 during the pendency of the present writ application.”

2. Learned counsel for the petitioner submitted that impugned action is without hearing the petitioner. In other words, petitioner has not been notified by issuance of a specific and detailed notice.

3. On this short ground, with the consent of the learned counsel for the parties, Annexure-P/3 dated 11.05.2023 stands set aside, reserving liberty to the concerned respondent to proceed in accordance with law, after giving due and ample opportunity of hearing to the petitioner. Concerned authority is hereby directed to take note of judicial decisions viz., ***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.*

4. The above exercise shall be completed within a period of three (3) months from the date of receipt of this order.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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