

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17615 of 2019

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Deo Kumar son of Ram Naresh Singh resident of Village Kurkuri, P.S.
Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Govt. of Bihar, Nirman Bhawan, Bailey Road, Patna.
2. The Chief Engineer I, Rural Works Department, Govt. of Bihar, Nirman Bhawan, Bailey Road, Patna.
3. The Superintending Engineer, Rural Works Circle, Patna.
4. The Executive Engineer, Rural Works Division, Boring Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Tiwary, Advocate
For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-01-2023

Petitioner has prayed for the following relief(s):

“i) For quashing the order vide letter No. 1330 dated 31.08.2018 (Annexure-5) by which the Respondent Executive Engineer has terminated the Agreement (Agreement No. 97/SBD 2009-10) and forfeited the Security Deposits arbitrarily without issuance of any show cause/explanation to the petitioner.

ii) For issuance of the Writ of Mandamus commanding the Respondent Executive Engineer to return the forfeited



Security Deposits to the petitioner.

iii) For direction to the Respondent Executive Engineer to make payments to the petitioner for the two years maintenance work (2014-2015, and 2015-2016).

And/or

Pass such order/orders as Your Lordships may deem fit and proper under the facts and circumstances of the case.”

Vide impugned orders dated 24.08.2018 (Annexure-5, page-83) and 20th of September, 2019 (Annexure-6, page-93), petitioner stands debarred from participating in bidding process, without any period of debarment being fixed.

The contract entered between the petitioner and the respondent stands rescinded and steps initiated for debarring the petitioner.

Ordinarily, this Court would not have entertained the petition, leaving it for the parties to take recourse to the remedies in terms of the agreement, but in view of the peculiar facts and circumstances, when the impugned orders entail civil consequences and is in utter violation of principles of natural justice, more so when a similar order in relation to 59 contractors was passed without touching the case of each one of the petitioners therein, we quash and set aside the impugned



orders dated 24.08.2018 and 20.09.2019 (Annexures-5 and 6) passed by respondent No. 4, namely Executive Engineer, Rural Works Department, Works Division, Boring Road, Patna with the direction to the petitioner to make himself available in the office of the Executive Engineer, Rural Works Department, Works Division, Boring Road, Patna on 16.01.2023 at 11:00 a.m. on which date an opportunity shall be afforded to the petitioner to place on record any material which the petitioner chooses to do so in his defence and the respondent shall pass a fresh order in view of the attending facts and circumstances.

Liberty reserved to the petitioner to agitate the issue, should the need so arise subsequently.

Petition is disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	03.01.2023
Transmission Date	

