

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16662 of 2022

Om Shanti Construction, Kameshwari Vihar, Sadpur, P.O.- Ramana, Muzaffarpur Proprietor- Vimal Kant Jha, aged about 55 years, Gender- Male, S/o Late Ram Chandra Jha, Resident of Mohalla- Kameshwari Vihar Sadpur, P.O.- Ramana, P.S.- Kazi Mohammadpur, Dist.- Muzaffarpur, State - Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Rural Work Development, Government of Bihar, Patna.
2. The Secretary, Bihar Rural Work Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Rural Work Department, Bihar, Patna.
4. The Chief Engineer Rural Work Department, Bihar, Patna.
5. The Superintendent Engineer, Darbhanga Circle, Darbhanga.
6. The Executive Engineer Rural Work Department Work Division, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate
For the Respondent/s : Mr. Kumar Alok (SC 7)

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

Date : 27-02-2023

In the instant petition, petitioner has prayed for the following relief:-

“(i) A certiorari to setting aside the order no. 16 dated 17.06.2022 issued by the office of the Executive Engineer Rural Work Department Work Division Madhubani vide Letter No.- 1255 dated 17.06.2022 by which the Executive Engineer passed an order



to debarred the petitioner from the maintenance work of M.R.. 3054 of P.W.D.. Road from Brahmotra to Bhawanipur Mandir and cancelled the agreement no. 07MBD/2017-18 and also passed an order to blacklist the petitioner from other works and seized all security deposits of the petitioner.

(ii) A certiorari to setting aside the letter no. 1900 dated 05.07.2021 issued by the office of the Engineer-in-Chief Rural Work Department, Bihar by which recommended to cancel the agreement no. 07MBD/2017-18 and debarred the petitioner from the work of P.W.D. Road from Brahmotra to Bhawanipur Mandir and also recommend to blacklisted the petitioner and seized his all security deposits.

(iii) A certiorari to setting aside the entire process initiated against the petitioner in the light of order no:-16 dated 17.06.2022 passed by the Executive Engineer Rural Work Department Work Division Madhubani on the recommendation of letter no. 1900 dated 05.07.2021 passed by the Engineer-in-Chief Rural



Work Department, Bihar, Patna.

(iv) Any other writ/writs for granting any other relief/reliefs for which the petitioner is found entitled to in the fact(s) and circumstances(s) of the present case.”

2. *Prima-facie*, relief insofar as debarment and cancellation of agreement is concerned the petitioner has statutory remedy before the Bihar Public Works Contracts Disputes Arbitration Tribunal. Insofar as blacklisting is concerned perusal of records it is evident that it is only a proposal and it has not attained finality so as to interfere with the issue of blacklisting.

3. Accordingly, the present petition stands disposed of reserving liberty to the petitioner to invoke writ jurisdiction in the event of final order is passed insofar as blacklisting is concerned.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Daya/
Himanshu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.03.2023
Transmission Date	NA

