

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5943 of 2015

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M/s Prabhat Construction Company, a Partnership Firm through its Partner,
Om Prakash Singh, son of Late Sitla Prasad Singh, Resident of Village
Bahuan, P.O. Khaira, P.S. Sonhan, District Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department,
Government of Bihar, Patna.
2. The Engineer in-Chief cum Additional Secretary cum Special Secretary,
Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer HQ, Rural Works Department, Government of Bihar,
Patna.
4. The Superintending Engineer, Rural Works Department, Works Division,
Circle Sasaram.
5. The Executive Engineer, Rural Works Department, Works Division,
Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr. Advocate Mr. Rahul Kumar, Advocate Mr. Anand Kumar, Advocate
For the Respondent/s	:	Mr. Mani Kant Mishra, Gp25

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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 : 23-06-2023

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

“i) For quashing of the impugned
order dt. 26.12.2014 communicated vide Memo
No. 1583 dt. 26.12.2014 by which the Petitioner
has been informed that his contract bearing
Package No. BR-05-01 vide Agreement No.



03PMGSY/09-10 has been terminated, as being wholly illegal, arbitrary and without jurisdiction;

ii) For quashing the impugned order dt. 26.12.2014 also on the ground that the same is also in violation of principle of natural justice, being a non reasoned order as no show cause has been served to the Petitioner before cancellation of the Contract;

iii) For directing the Respondents to pay the amount as per the Measurement Book prepared by the Respondent of Rs. 14,11,560/- and Rs. 4,46,220/- which is pending since 2011;

iv) For restraining the Respondents from initiating any proceeding for black listing of the Petitioner for no fault on his part as the Respondents failed to provide Stone Metal from the Karwandia quarry from where the Petitioner was required to procure it;

v) For directing the Respondents to refund the Performance Guarantee and Earnest Money Deposited with the Respondents and / or for any other relief(s) for which the Petitioner may be found entitled to in the facts and circumstances of the present case.”

2. The petitioner has approached this Court in challenging Show Cause Notice in respect of blacklisting. During pendency of the present petition, on 11.08.2015, the petitioner has been blacklisted for indefinite period. No doubt, the petitioner has not assailed the blacklisting order dated 11.08.2015. Having regard to the fact that the petitioner has been blacklisted for indefinite period and the same is being deprecated by number of judicial pronouncements. Therefore, we set aside the blacklisting order dated 11.08.2015 and remand the matter to the Competent Authority to pass afresh order in stipulating the number of years of blacklisting. Such



proceedings shall be drawn by the Competent Authority within a period of three months from the date of receipt of this order and communicate the same to the petitioner at the earliest.

3. With the above observations, the present writ petition stands allowed in part.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

shoaib/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.2023.
Transmission Date	NA

