

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18681 of 2016

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M/s Ram Pravesh Rai Estate Private Limited through its Managing Director,
Shri Ram Pravesh Rai, S/o late Kamla Rai Presently resident of 213,
Patliputra Colony, Patna-800013

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Road Construction Department,
Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna
2. The Principal Secretary, Road Construction Department, Government of
Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna
3. The Engineer-in-Chief-cum-Additional-Commissioner-cum-Special
Secretary, Road Construction, Departm
4. The Joint Secretary, Road Construction Department. Government of Bihar,
Vishweshwaraiya Bhawan, Bailey Road, Patna
5. The Chief Engineer, North Bihar, Road Construction Department,
Darbhanga, Bihar
6. The Superintending Engineer, Road Construction Department, North Bihar
Circle, Muzaffarpur
7. The Executive Engineer, Road Construction Division No. 1, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh
For the Respondent/s : Mr. Uday Shankar Sharan Singh- Gp19

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 17-05-2023

Heard learned counsels for the respective parties.

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

“That this is a writ petition on behalf of the
Petitioner for issuance of a writ of certiorari or wits in
the nature thereof or any other appropriate



writs/orders/directions for quashing order contained in Memo No. 5705 (E) dated 24.08.2016 of Respondent No. 3 whereby and where under the petitioners' registration has been blacklisted for the period 23.11.2010 to 22.11.2020 and further refused to extend the period of experience certificate of the petitioner."

3. On 10.05.2023, following order was passed:

"Learned counsel for the respondents seeks time.

2. Learned counsel for the respondents is hereby directed to produce relevant copy of the notice issued to the petitioner insofar as blacklisting the petitioner so as to ascertain whether was there any specific notice to the petitioner or not? That apart, in the earlier round of litigation in CWJC No. 2600 of 2014 which was decided on 05.04.2016 had set aside the blacklisting order issued on 23.11.2010.

3. Once, the order of blacklisting is set aside, the concerned authority was required to examine whether petitioner could be blacklisted for future dates or not? Whereas by the impugned order dated 24.08.2016 the petitioner has been blacklisted from 23.11.2010 to 22.10.2020 which is not permissible.

4. Re-list this matter on 17.05.2023."

4. *Prima facie*, the petitioner has been once again blacklisted from 23.11.2010 to 22.11.2020 which is impermissible in the light of earlier order of this Court dated 05.04.2016 passed in CWJC No. 2600 of 2014. Hence the petitioner has made out a case so as to interfere. Accordingly, impugned order dated



24.08.2016 is set aside. Having regard to the fact that this is second round of litigation and petitioner has already suffered for these many years, therefore, no liberty is granted to the concerned respondent to revisit insofar as blacklisting is concerned. In so far other adverse action, if any, the petitioner is at liberty to question before the jurisdictional authority.

5. Accordingly, writ petition stands allowed.

(P. B. Bajanthri, J)

(A. Abhishek Reddy , J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.05.2023
Transmission Date	NA

