

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14076 of 2023

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Santosh Kumar son of Vakil Prasad Sharma, resident of Raja Bazar, Krishna Nagar, P.S. Jehanabad Town Thana, District Jehanabad.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
2. The Engineer in Chief, Minor Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer, Minor Water Resources Department, Government of Bihar, Patna.
4. The In Charge Chief Engineer (Planning and Monitoring and Geology) Minor Water Resources Department, Government of Bihar, Patna.
5. The Executive Engineer cum In Charge Superintending Engineer (Head Quarter) Monitoring, Minor Water Resources Department, Government of Bihar, Patna.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Prabhat Ranjan, Advocate.
For the State	:	Mr. Raghwanand (GA-11).
		Mr. Prabhat Kumar, AC to GA-11.

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

Date : 07-10-2023

In the instant petition, the petitioner has prayed for the following reliefs:

“(i). For quashing of the Notice to show cause issued by the Executive Engineer, Minor Irrigation Division, Rohtas, Shasaram contained in Letter No.1014 dated 02.09.2023 by which the petitioner has been asked to submit a reply within a period of one week as to why uploading incorrect



Experience Certificate for participating in a tender process appropriate action for blacklisting and other action be not taken under Bihar Contractor Registration Rule, 2007.

- (ii). Declaration to the effect that the Executive Engineer cannot take any decision or pass any order contemplating any action under any of the provisions of the Bihar Contractor Registration Rules, 2007.
- (iii). Restraining the Respondents from giving effect to the Show Cause Notice dated 02.09.2023 as contained in Letter No.1014 during the pendency of this present writ application and/or without the leave of this Hon'ble Court.”

2. One of the contentions raised in the present writ petition is that the Executive Engineer, Minor Irrigation Division, Rohtas, Sasaram is not empowered to issue impugned show cause notice. On the other hand, the competent authority is Engineer-in-Chief. On this short ground, we allow the present writ petition in the light of our earlier order dated **28.08.2023** passed in **C.W.J.C. No.9769 of 2023 (Maa Shanti Infra Developers Pvt. Ltd. Vs. State of Bihar & Ors)**.

3. The above issue is not disputed by the learned counsel for the respondents.

4. Accordingly, Letter No.1014 dated 02.09.2023



issued by the Executive Engineer, Minor Irrigation Division, Rohtas, Sasaram is set aside reserving liberty to the competent authority to proceed in accordance with law within a period of six months from the date of receipt of this order, if it is warranted at this distance of time.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

P.S./-Manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.10.2023.
Transmission Date	NA

