

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13910 of 2023

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Md. Zafar Alam Son of Md. Mansoor Resident of Village and P.O.- Dagarwa,
Ward No. 7, P.S.- Dagarwa, District- Purnea, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer, Rural Works Department, Government of Bihar, Patna.
4. The Executive Engineer, Rural Works Department, Works Division Baisi, (Purnea), District Purnea, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate
	:	Mr. Chandan Kumar, Advocate
	:	Mr. Ansh Prasad, Advocate
For the Respondent/s	:	Mr. Kumar Manish (SC- 5)

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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 : 25-09-2023

Heard learned counsel for the parties.

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

“(i) Quashing of the Notice to Show Cause contained in Letter No. 755 dated 14.05.2023, by which, the Executive Engineer, (Respondent No. 4) without authority of law and contrary to the Bihar Contractors Registration Rules, 2007 and also



contrary to the express provisions of the Standard Bidding Document, has issued a Notice to Show Cause requiring the petitioner to reply as to why for the collapse of shuttering during the execution of the work of RCC Box Bridge, the petitioner be not blacklisted and the Agreement No. 08/SBD/2022-23 be not rescinded;

(ii) Quashing of the consequential reasoned order dated 14.05.2023 contained in Memo No. 2497 dated 14.05.2023 by which, the Engineer in Chief cum Registering Authority has without issuance of a Show Cause Notice and without affording any opportunity of being heard has blacklisted the petitioner (Registration No. 1200085 Class I) for a period of 10 years in terms of Clause 11 (5) VI of the Bihar Contractors Registration Rules, 2007; and

(iii) Restraining the Respondents from giving effect to the impugned Notice to Show Cause dated 14.05.2023 as contained in Letter No. 755 (Annexure 5) and the consequential reasoned order dated 14.05.2023 in Memo No. 2497 (Annexure 6) during the pendency of the present writ application and/ or without the leave of this Hon'ble Court.”

3. Respective parties have not disputed that the present matter is covered by earlier decisions of this Court passed in CWJC No. 9769 of 2023 decided on 28.08.2023 read with CWJC No. 4726 of 2023 decided on 20.04.2023.



4. Accordingly, the present writ petition stands allowed.

Letter No. 755 dated 14.05.2023 and order dated 14.05.2023 contained in Memo No. 2497 stand set aside. Rest of the directions are in terms of the earlier orders passed in the aforementioned cases is applicable to the present case also.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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

