

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14649 of 2023

Arvind Kumar Singh Son of Late Shankar Dayal Singh, Resident of village Barka Lauhar, P.O- Lauhar Farna, P.S.- Barbara, District- Bhojpur Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Secretary, Rural Works Department, Government of Bihar, Patna.
4. Engineer-in-Chief, Rural Works Department, Government of Bihar Patna.
5. Chief Engineer-1, Rural Works Department, Government of Bihar, Patna.
6. Chief Engineer-4, Rural Works Department, Government of Bihar, Patna.
7. The Superintending Engineer, Rural Works Department, Works Division, Ara, District- Bhojpur.
8. The Executive Engineer, Rural Works Department, Works Division Ara, District- Bhojpur.
9. The Executive Engineer, Office of Chief Engineer-1, Rural Works Department, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Advocate Mr. Sumit Kr. Jha, Advocate Ms. Riya Giri, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA 11 Mr. Prabhat Kr., AC to GA 11

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 12-10-2023 In the instant writ petition, petitioner has prayed for
the following relief/reliefs:

*“i. To issue writ/order or direction in the nature
of Certiorari for quashing the office order contained in
Memo No. 3430 dated 30.06.2023 issued under the*



signature of the Engineer in-Chief, Rural Works Department, Government of Bihar, Patna by which the petitioner has been blacklisted for the period of 10 years merely on the basis of recommendation of the Chief Engineer – I, Rural Work Department, Bihar, Patna and Superintending Engineer, Rural Works Department, Work Division, Ara, without providing reasonable opportunity to the petitioner to submit his explanation.

ii. To hold and declare that the impugned order of blacklisting for indefinite period (10 years) without providing reasonable opportunity is violative of Article 14 and 19(1)(g) of the Constitution of India.

iii. To pass interim / ad-interim order staying the operation of order of blacklisting contained in Memo No. 3430 dated 30.06.2023 (Annexure-P/9) and/or further allowing the petitioner to participate in future tender till the pendency of this Writ Petition.

iv. To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

2. Against the impugned order of blacklisting, petitioner has already invoked remedy of appeal before the appellate authority *namely* The Secretary, Rural Works Department, Government of Bihar, Patna and it is pending consideration.

3. Without waiting for orders to be passed by the appellate authority, petitioner has rushed to this Court. Accordingly, the present writ petition stands disposed of as premature.



4. Petitioner is permitted to urge additional grounds before the appellate authority. Such additional grounds be submitted before the appellate authority within a period of one week from today. Thereafter, the appellate authority is hereby directed to consider the appeal. If the appellate authority feels that deciding pending appeal is time consuming, in that event, he is hereby directed to examine whether petitioner is entitled to any interim relief or not? To that effect petitioner is permitted to file interlocutory application in the memorandum of appeal which is pending consideration before the Secretary. Accordingly, CWJC No. 14649 of 2023 stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

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