

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17856 of 2022

Jai Maa Durga Travels, Through its proprietor Dharmendra Kumar Male, 35 years, son of Sri Chandrashekhar Prasad, resident of Shop No.- G4A, Jaiprakash Bhawan, Near Dakbungalow Chowk, Fraser Road, P.O. G.P.O. Patna, P.S.- Kotwali Town and District- Patna(Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Information and Public Relations Department, Bihar, Secretariat, Patna.
2. The Director, Information and Public Relations Department, Bihar, Secretariat, Patna.
3. The Secretary, Information and Public Relations Department, Bihar, Secretariat, Patna.
4. The Public Relation Officer, Chief Minister Secretariat, Bihar, Patna.
5. The Deputy Commissioner, Financial Administration, Finance Department, Bihar, Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Nath Jha, Advocate Mr. Sunny Kumar, Advocate Mr. Rabibhushan Prasad, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC-3 Mr. Arjun Prasad, A.C. to S.C. 3 Mr. Bipin Kumar, A.C. to S.C. 3

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 31-01-2023

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

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(i) Quashing/ setting aside the impugned letter/order no.-176 dt. 25.08.2022 (Annx-5) issued by the Resp. no.2 whereby and whereunder the service of the petitioner has been debarred for



entering into any kind of contract with the respondents-
authorities in future.

(ii) Holding and declaring that the service of the petitioner was
up to mark and there was no fault on part of the petitioner in
providing service to the respondents- authorities.

(iii) Holding and declaring that the respondents- authorities had
no right to debar the petitioner vide the impugned order/letter
no.-176 dt.25.08.2022 (Annx-5) for the indefinite period.

(iv) Directing the respondents-authorities to allow the present
petitioner to participate and enter into contract with the
respondents- authorities and to hold that the present impugned
order/letter dt.25.08.2022 should not be treated as debarred
letter for the petitioner in future.

(v) Granting any other relief/reliefs for which the petitioner may
be found entitled to.

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In view of the law laid down by a coordinate Bench of
this Court on **1st of December, 2022** in **C.W.J.C. No. 21293 of
2021**, titled as **M/s Ekta Enterprises through its Proprietor
Om Prakash Narayan Vs. State of Bihar & Ors.**, we are
inclined to quash the impugned order dated 25.08.2022 passed
by Respondent No. 2, namely, the Director, Information and
Public Relations Department, Bihar, Secretariat, Patna
(Annexure-5) and order dated 14.11.2022 passed by Special
Secretary, Finance Department, Bihar, Patna (Annexure-8) for



the reason that there is no specified period for debarment stipulated in the order.

As such, we quash and set aside the impugned order dated 25.08.2022 passed by Respondent No. 2, namely, the Director, Information and Public Relations Department, Bihar, Secretariat, Patna (Annexure-5) and order dated 14.11.2022 passed by Special Secretary, Finance Department, Bihar, Patna (Annexure-8) reserving liberty to the respondents to pass a fresh order in accordance with law.

Petitioner shall make himself available in the office of Respondent No. 2, namely, the Director, Information and Public Relations Department, Bihar, Secretariat, Patna on 15th of February, 2023 at 10:30 A.M. on which date he shall place entire material in support of his contention. The said officer shall consider the same and pass a reasoned and speaking order in accordance with law within a period of two months thereafter.

The order assigning reasons shall be communicated to the petitioner.

Needless to add, while considering the case of the petitioner, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Equally, liberty is reserved to the petitioner to take



recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Also, liberty reserved to the petitioner to approach the Court, should the need so arise subsequently on the same and subsequent cause of action.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	01.02.2023
Transmission Date	

