

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15686 of 2023

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Sarvagya Construction and Developers Pvt. Ltd. having its Registered office at Mirja Nagar, Vaishali, through its Managing Director, Abhishek Kumar, aged about 34 years, Male, Son of Late Ram Vilash Prasad, Resident of Mirja Nagar, P.S. Mahua, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Bihar Education Infrastructure Development Corporation Ltd. (A Government of Bihar Undertaking), Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004 through its Managing Director.
2. The Managing Director, Bihar State Educational Infrastructure Development Corporation Ltd., Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004.
3. The Chief Engineer, Bihar State Educational Infrastructure Development Corporation Ltd., Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Advocate Mr.Ansh Prasad, Advocate
For the Respondent/s	:	Mr.Chandan Kumar, Advocate Mr.Girijish Kumar, Advocate

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

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

2 02-11-2023 In the instant petition, petitioner has prayed for the following relief(s):-

“(i) Quashing of the Notice to Show Cause contained in Letter No. 720 dated 25.01.2023, by which, the Chief Engineer, (Respondent No. 3) beyond jurisdiction has directed the petitioner to submit Show Cause Reply as to why for the allegations of submission of false Experience Certificate in a Tender process action



of blacklisting for a period of 10 years be not taken in terms of Contractors Registration Rules, 2012 (as amended) by 41st Meeting of the Board of Director vide Agenda No. 12/41;

(ii) Quashing of the consequential Office Order No. 108 dated 11.05.2023 as contained in Memo No. 3994 dated 11.05.2023 by which, the Chief Engineer, after obtaining approval from the competent authority i.e. Managing Director of the Corporation has blacklisted the Registration of the petitioner for a period of 10 years on the allegation of submission of false Experience Certificate in terms of Contractors Registration Rules, 2012 (as amended) by 41" Meeting of the Board of Director vide Agenda No. 12/41; and

(iii) Direction upon the Respondents to allow the petitioner to participate in the Notice Inviting ReTender No. 29/2023 24 dated 10.10.2023 (Annexure 9) (for which the last date for submission of tender is 10.11.2023) during the pendency of the present writ application of course subject to final out come of the writ application.

(iv) Restraining the Respondents from giving effect to the order of Blacklisting contained in Office Order No. 108 dated 11.05.2023 as contained in Memo No. 3994 dated 11.05.2023 during the pendency of the present application and /or without the leave of this Hon'ble Court."

2. We have allowed identical matter on 07.10.2023



passed in CWJC No. 12290 of 2023. The same has not disputed by the learned counsel for the respondents.

3. In the light of these facts and circumstances, petitioner has made out a case so as to interfere with the impugned order dated 25.01.2023 *vide* Letter No. 720 and Office Order No. 108 dated 11.05.2023 as contained in Memo No. 3994 and it is set aside in the light of earlier order dated 07.10.2023 passed in CWJC No. 12290 of 2023, whatever the direction or observation made in the aforementioned decision stands applicable to the present case.

4. Accordingly, the present writ petition stands allowed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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