

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22582 of 2019

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M/s Rajan Construction through its partner, Mamta Singh, Female, aged about 38 years, W/o- Rajan Singh, R/o- Block more, Old GT Road, Mohalla- Jay Prakash Nagar, P.O. and P.S.- Aurangabad, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Road construction Department, Government of Bihar, Patna.
2. The Principal Secretary Road construction Department, Government of Bihar, Patna.
3. The Engineer-in- Chief Road Construction Department, Government of Bihar, Patna.
4. The Executive Engineer Road Division Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Ranjan, Advocate
For the State	:	Mr. Amit Prakash, GA 13

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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 : 23-03-2023

Heard learned counsel for the respective parties.

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

"I. For quashing the show cause notice as contained in letter no. 2696(E) dated 10.04.2018 issued under the signature of Engineer-in-chief, Road



*Construction Department, Bihar
Patna.*

II. For quashing order as contained in memo no. 8016 dated 18.10.2019 issued under the signature of Engineer-in-chief, Road Construction Department Government of Bihar, Patna, by which the licence of the petitioner's construction company has been suspended for two years.

III. For declaration that the decision of the authority dated 18.10.2019 is totally baseless, illegal, arbitrary, as well as colorable exercise of power.

IV. For allowing the petitioner to participate further in the tender process (NIT-Notice Inviting Tender) floated by other Departments of Government of Bihar, Patna and the petitioner's construction company has participated in the tender process and the license of the petitioner's construction company has been suspended for two years, for the work which has already been completed in the year 09.06.2014 itself.

V. For any other relief or reliefs for which the petitioner is entitled under law in the facts and circumstances of the present case."

Brief facts of the case are that the petitioner was entrusted work order on 10.06.2013 to complete the assigned



work within the time limit stipulated. The petitioner had completed his work on 09.06.2014 whereas the concerned respondent is stated to have undertaken inspection of the work of the petitioner on 12.11.2014. Thereafter, for the first time show cause notice was issued on 10.04.2018 in pointing out certain sub-standard work of the petitioner which is relating to the year 2013-14. The petitioner had submitted his explanation on 19.04.2018. Thereafter, on 10.04.2018 petitioner's license has been cancelled for a period of two years. The present period of suspension of license has already spent its force.

Prima facie, the present petition does not survive for consideration and at the same time from perusal of the records it is evident that the concerned respondent has taken action behind the back of the petitioner. Petitioner's licence is stated to have been cancelled and inspection was conducted in the year 2014 whereas show cause notice was issued in the year 2018. These events suffice to interfere with the impugned decision read with the fact that it has already spent its force to the extent that impugned action of suspension of licence would not be a hurdle for his future participation in any of the tender.



With the above observations, the present writ
petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Vikash/-

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

