

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5753 of 2024

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Visro Infra Project Pvt. Ltd. having its Registered Office at Bhikhampura, near Ramdayalu Railway Station, P.S.- Muzaffarpur Sadar, District Muzaffarpur, Bihar through its Director Rahul Kumar, aged about 29 years, Male, son of Krishna Kumar Singh, resident of Ismailpur, P.S.- Parsa Bazar, District Patna, Bihar.

... .. Petitioner

Versus

1. The Bihar State Educational Infrastructure Development Corporation Limited (A Government of India Undertaking) Siksha Bhawan, Bihar Rashtrabhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna through its Managing Director.
2. The Managing Director, Bihar State Educational Infrastructure Development Corporation Limited (A Government of India Undertaking) Siksha Bhawan, Bihar Rashtrabhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna.
3. The Chief Engineer, Bihar State Educational Infrastructure Development Corporation Limited (A Government of India Undertaking) Siksha Bhawan, Bihar Rashtrabhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna.
4. The Executive Engineer (Headquarters), Bihar State Educational Infrastructure Development Corporation Limited (A Government of India Undertaking) Siksha Bhawan, Bihar Rashtrabhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Resp-BSEIDC : Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 08-04-2024

We have heard Mr. Prabhat Ranjan, learned counsel for the petitioner and Mr. Girijish Kumar, learned counsel for the Bihar State Educational Infrastructure Development Corporation (for short “the BSEIDC”).



2. The challenge of the petitioner, in the present writ petition, is confined to the show-cause notice contained in Letter No. 724 dated 25.01.2023 and the consequential Office Order No. 114 dated 11.05.2023 as contained in Memo No. 4001, by which the Chief Engineer, BSEIDC, Patna, after getting approval of the Managing Director of the Corporation has blacklisted the registration of the petitioner for a period of ten years from the date of issuance of such order.

3. It is contended that the petitioner being a Contractor in Class-III, registered with the BSEIDC, has participated in the tender process in response to NIT No. 13/2022-23 for the construction work of school buildings in various districts of the State of Bihar at SI. Nos. 11, 90, 91 and 98. It is further contended that in terms of the NIT, the technical bid was opened on 14.12.2022 and the petitioner's technical bid was held to be responsive so far as the works advertised at SI. Nos. 11, 90 and 91 are concerned. However, the work advertised at SI. No. 98 was declared to be non-responsive and thus disqualified for the reason that the experience certificate submitted by the petitioner was found to be forged. A copy of the proceeding dated 14.12.2022 has been placed on record at Annexure P/3 to the writ petition.



4. In the aforesaid premise, the petitioner was served with a show-cause notice as contained in Letter No. 724 dated 25.01.2023, seeking an explanation as to why not the petitioner be blacklisted for ten years on account of submission of incorrect and forged work experience.

5. The petitioner, immediately, responded to the show-cause notice vide Annexure P/5 and submitted as to which of the experience certificate is found to be forged, has not been disclosed in the show-cause notice. The petitioner, thus submits that unless the copy of the alleged forged certificate is supplied or disclosed, he would not be in a position to file proper reply nor would he be able to cross-examine the officer concerned.

6. When the petitioner did not receive any required documents or response to his communication, he immediately filed another representation on 31.01.2023 to the Chief Engineer, BSEIDC, Patna. However, without disclosing this fact as to which of the certificate has been found to be forged and fabricated, the respondent-Corporation came out with the order of blacklisting as contained in Office Order No. 114 dated 11.05.2023, whereby the petitioner has been blacklisted for ten years, pursuant to the decision of the Board of Directors in the light of the amended Bihar Contractors Registration Rules,



2012, after having found the experience certificate submitted by the petitioner to be incorrect and forged.

7. Submission has been made that the petitioner has not been allowed proper opportunity of hearing before passing the impugned order of blacklisting, apart from the deficient notice to show-cause as to which of the experience certificate submitted by the petitioner was found to be incorrect and forged.

8. On the other hand, learned counsel for the Corporation, took this Court to the representation of the petitioner dated 31.01.2023, produced at Annexure-P/6 and submitted across the Bar that the petitioner himself submitted that at the time of uploading of tender, some mistake has been done. Thus, he has given undertaking that in future, this mistake would not be repeated. The petitioner after admitting his guilt, also prayed that instead of blacklisting for ten years, he may be blacklisted for one year, which would be commensurate to the mistake/wrong done by him, as earlier in identical nature of mistake, the tenderer has been inflicted with the punishment of one year of blacklisting.

9. Considering the rival submissions of the petitioner, this Court, *prima facie*, finds that there is categorical admission



of the petitioner, accepting his guilt of filing incorrect/forged experience certificate, leading to show-cause notice and consequential blacklisting order. In such circumstances, this Court while exercising the power of judicial review, does not find any reason or occasion to accede to the prayer of the petitioner, accordingly, the prayer stands rejected.

10. However, needless to observe that the petitioner is at liberty to take appropriate remedy against the period of order of blacklisting before the competent forum/authority, in accordance with law, by filing a representation.

11. The writ petition stands dismissed with the liberty aforesaid.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.04.2024
Transmission Date	

