

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7738 of 2024

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Rajiv Kumar Saha S/o Umesh Prasad Saha, R/o Near Shiv Mandir, Ward No. 29, Dharamganj, PO and PS-Kishanganj, Pin Code-855108, District-Kishanganj, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Rural Works Department, Govt. of Bihar, Vishwaishwraia Bhawan, Baily Road, Patna.
2. The Additional Chief Executive Officer cum Secretary, Bihar Rural Road Development Agency (BRRADA), Rural Works Department, Govt. of Bihar, Vishwaishwraia Bhawan, Baily Road, Patna.
3. The Engineer in Chief cum Additional Commissioner cum Special Secretary, Rural Works Department, Govt. of Bihar, Vishwaishwraia Bhawan, Baily Road, Patna.
4. The Chief Engineer-2, Rural Works Department, Govt. of Bihar, Vishwaishwraia Bhawan, Baily Road, Patna.
5. Sri Arvind Kumar The Superintending Engineer, Rural Works Department, Govt. of Bihar, Work Circle-Kishanganj, District-Kishanganj, Govt. of Bihar.
6. The Executive Engineer, Rural Works Department, Work Division-Kishanganj-1, District-West Champaran, Govt. of Bihar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8493 of 2024

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Pawan Kumar S/O Rajeshwar Singh, R/O Ward No. 23, Club Road, Das Para, Ruidhasa, P.S.- Kishanganj, PinCode- 855107, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Rural Works Department, Govt. of Bihar, Vishwaishwraia Bhawan, Baily Road, Patna.
2. The Additional Chief Executive Officer-Cum-Secretary, Bihar Rural Road Development Agency (BRRADA), Rural Works Department, Govt. of Bihar, Vishwaishwraiya Bhawan, Baily Road, Patna.
3. The Engineer - in - Chief - Cum - Additional Commissioner - cum - Special Secretary, Rural Works Department, Govt. of Bihar, Vishwaishwraiya Bhawan, Baily Road, Patna.
4. The Chief Engineer- 2, Rural Works Department, Govt. of Bihar, Vishwaishwraiya Bhawan, Baily Road, Patna.
5. Sri Arvind Kumar The Superintending Engineer, Rural Works Department, Govt. of Bihar, Work Circle- Kishanganj, District - Kishanganj, Govt. of Bihar.



Bihar.

6. The Executive Engineer, Rural Works Department, Works Division - Kishangang-1, District- West Champaran, Govt. of Bihar.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 7738 of 2024)

For the Petitioner/s : Mr. Ravi Kumar, Advocate

For the Respondent/s : Government Advocate (5)

(In Civil Writ Jurisdiction Case No. 8493 of 2024)

For the Petitioner/s : Mr. Ravi Kumar, Advocate

For the Respondent/s : Government Advocate 5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-07-2024

Both these cases were posted together since the question of law raised in both the writ petitions was the non-compliance of fifteen days notice stipulated by a learned Single Judge in *C.W.J.C. No. 12736 of 2021*, titled *Ramanand Rai v. The State of Bihar & Ors.* dated 07.09.2021, produced as Annexure-P/8.

2. The learned Government Advocate appearing for the respondents submits that the show-cause notice issued in both cases was on 23.02.2024, and a final order has been passed on 30.03.2024, and till that time no objection was filed by the petitioners.

3. In such circumstances, we are of the opinion



that the petitioner cannot take a contention that the show-cause notice was defective.

4. The learned counsel for the petitioner also submits that an order has been passed and the petitioners have been blacklisted, which order is under challenge in an appeal instituted.

5. In such circumstances, we give liberty to the petitioner to agitate all other contentions before the Appellate Authority except the contention of the defective show-cause notice, which we have already answered against the petitioner.

6. The writ petitions stand dismissed with the above liberty.

(K. Vinod Chandran, CJ)

(Nani Tagia, J)

aditya/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.07.2024.
Transmission Date	

