

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.522 of 2017

=====

Ajay Kumar Singh Son of Late Rishikesh Singh, resident of village P.O.
Manikpur, P.S. Indrapuri, District - Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Works Department, Government of Bihar,
Patna
3. The Engineer - in - Chief, Rural Works Department, Government of Bihar,
Patna
4. The Chief Engineer - 1, Rural Works Department, Government of Bihar,
Patna
5. The Superintending Engineer, Rural Works Department, Works Circle,
Sasaram, Rohtas
6. The Executive Engineer, Rural Works Department, Work Division, Dihri,
Rohtas

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Kanhaiya Pandey
For the Respondent/s : Mr.Kameshwar Pd. Gupta- Gp10

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 12-11-2024

1. The Writ Petition is filed to direct the respondents to delete the name of the petitioner from the departmental debar list of contractor of Rural Works Department and allow him to participate in tender process in accordance with law.

2. The brief facts of the case culled out of the Writ petition are that the petitioner is a registered contractor, with Rural Works Division and registered in



category 1A. The respondents Rural Works Department issued tender notice for Tilauthu Sasaram Road to Ali Nagar and Mahesh Dih Road bearing Package No. BR 28 R 549 and BR 28 R 550. The petitioner being the lowest Tenderor was allotted with the contract for the above said works. The petitioner completed the works of Tilauthu Sasaram Road to Mahesh Dih by 30.06.2015 and Tilauthu Sasaram Road to Ali Nagar by 11.07.2015. After completion of the said works, the Quality Control Team headed by State Quality Monitor made inspection and submitted the report that both the works were done satisfactorily. The State Quality Monitor had given over all rating of “S” with regard to the works after making inquiry and made payment to the petitioner on 10.02.2016. When the payment was being made, the Executive Engineer due to non-fulfillment of illegal demand submitted an incorrect report, though he himself made the payment. On the basis of his report, a show cause notice was issued vide Letter No. 2435 dated 27.06.2016 by the Chief Engineer-1 to the petitioner, by which the petitioner



was asked to show cause that by Agreement period 16.12.2015 the work has been kept pending as such recommendation has been made to include the name of the petitioner in debar list, as such petitioner was asked to submitted his show cause within a week. After receiving the said notice the petitioner submitted his show cause vide Letter dated 08.07.2016 intimating that he had already completed the work on 30.06.2015 and 11.07.2015 respectively for the said two works, prior to the date fixed in the Agreement and therefore, the petitioner requested to remove his name from the debar list.

3. The contents of the Writ Petition further disclose that the petitioner was given an opportunity to file his show cause and without considering his show cause his name was included in the debar list which is arbitrary and illegal, therefore, prayed to direct the authority to delete his name from the debar list.

4. A detailed counter affidavit was filed by the respondent Nos. 4 to 6. The contents of the counter



affidavit disclose that the petitioner was not debarred from participating, in future tenders and his name was not in the debar list of the contractors issued by the Respondent-Department. The counter affidavit further disclose that the Letter No. 2435 dated 27.06.2016 is only a show cause notice issued by the Chief Engineer-1, Rural Works Department asking him as to why his name should not be debarred. Further, the counter affidavit disclose that the Department never included the name of the petitioner in the debar list and that the petitioner not debarred from participating in future tenders.

Heard the Learned counsel for the petitioner and the Learned counsel representing the State. Perused the record.

5. On perusal of the Letter No. 2435 dated 27.06.2016, it is evident that it is only a show cause notice issued to the petitioner, as to why his name should not be included in the debar list. Except that there is nothing on record infringing the fundamental rights of the petitioner. The counter affidavit reveals that the petitioner was never



debarred from participating in future tenders. Therefore, nothing remains for adjudication in the Writ petition.

6. In result, the Writ petition is dismissed as it is devoid of merits.

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

(G. Anupama Chakravarthy, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.11.2024
Transmission Date	19.11.2024

