

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16309 of 2023

Sanju Devi, W/O of Vinay Kumar Singh, Resident of- Indraprastha Colony,
Dinkar Nagar, Khabra, P.S. Sadar, District -Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Rural Work Department, Government of Bihar.
2. The Secretary, Rural Works Department, Veshveshwariya Bhawan, Baily Road, Patna.
3. The Engineer-in-Chief, Rural Works Department, Veshveshwariya Bhawan, Baily Road, Patna.
4. The Superintending Engineer, Rural Works Department, Veshveshwariya Bhawan, Baily Road, Patna
5. The Executive Engineer, Rural Works Department, Works Division, Manihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Giri, Advocate
For the Respondent/s	:	Mr. Anjani Kumar (AAG-4)
		Mr. Alok Kumar Rahi, AC to AAG-4

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-01-2024

The petitioner is aggrieved with the order passed at Annexure-P/4 where he was found to be a defaulter in a works contract awarded to him and debarred from participation in any further tenders.

2. The learned Government Advocate points out Annexure-B filed along with the counter affidavit whereby a decision has been taken removing the petitioner from the list of



defaulters. In such circumstance, necessarily debarment has also to be set aside.

3. The learned counsel for the petitioner, however, submits that he has a further prayer in allowing the petitioner to participate in the tender(s) to which the petitioner had already submitted his bid, especially from 18.04.2023 onwards when the debarment order had come into force. It is also submitted that there was loss of face and good-will too, insofar as a debarment order made on a false allegation of default.

4. The petitioner's name has been removed from the list of defaulters. In such circumstance, necessarily it has to be deemed that he is no more debarred from applying in other tenders. Annexure-4 would hence stand set aside *in toto*.

5. Regarding the next contention of the petitioner, we are not convinced that it can be allowed. The petitioner contends that his tenders submitted after 18.04.2023 should be considered. The petitioner does not point out even one instance where he has submitted his tender and he was not considered because of the debarment. Even if such an instance is pointed out, if the tender has been finalized, there is no question of re-doing what has already been carried out if the work stands awarded, creating third party rights. This would also hamper the



proper work of the department being carried out..

6. The claim of the petitioner for damages for loss of face and good-will also cannot be considered in a petition under Article 226 of the Constitution of India. The petitioner, if so desires, should take proper remedy for the same where evidence has to be led and the loss caused and the damages proved substantially.

7. We find absolutely no reason to consider the other prayers raised by the petitioner. The writ petition stands disposed off with the above direction.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	25.01.2024
Transmission Date	

