

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.772 of 2025

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Ram Ratan Pandit, S/o Late Baidh Nath Pandit, R/o Vill-Maulaganj, Post-Kamrauli, P.S.-Tariyani, Distt.-Sheohar, Pin Code-843329.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
4. The Chief Engineer, Public Health Engineering Department, Govt. of Bihar, Patna.
5. The Zonal Chief Engineer, Public Health Engineering Zone, Muzaffarpur.
6. The Superintending Engineer, Public Health Engineering Circle, Darbhanga.
7. The Executive Engineer, Public Health Division, Jhanjharpur.
8. The Executive Engineer, Public Health Division, Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Advocate
For the State : Mr. Anjani Kumar, AAG-4

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 01-05-2025

Heard Mr. Siyaram Pandey, the learned



Advocate for the petitioner and Mr. Anjani Kumar, the learned AAG-4 for the State.

2. The petitioner, as a concessionaire, was debarred for a brief period of one day. The order of debarment was passed by the Executive Engineer on 12.11.2024, but the order was recalled on 13.11.2024. The petitioner, under the illusion that there is no debarment order operating against him, participated in a fresh tender for which the technical evaluation was made on 23.11.2024 but the petitioner was held to be technically unresponsive as he was found to have been debarred.

3. The petitioner has challenged the afore-noted decision.

4. However, one interlocutory application (1 of 2025) has been filed for amending the prayer of the writ petition, viz., for a direction to the authorities to consider recalling the debarment order against the petitioner.



5. The records of this case reveal that the tender in which the petitioner was found to be technically unresponsive because of the debarment order staring in his face, stood cancelled for some reason or the other. A fresh tender has been issued in which the petitioner has not applied for the reason that the order of debarment has not yet be rescinded.

6. Mr. Kumar, the learned AAG-4 has submitted that the Executive Engineer though was within his rights to issue an order of debarment against any contractor including the petitioner, but for recalling such an order of debarment, a process had to be followed where there was a requirement of recommendation by the Executive Engineer to be affirmed by the Superintending Engineer and the order of rescission of the debarment order to be passed by the Secretary of the Department.

7. It appears from the arguments advanced on behalf of the parties that now the Executive Engineer



concerned has already recommended for recall of the order of debarment of the petitioner, but a decision on that recommendation is yet to be taken by the concerned authorities.

8. For the reason of the tender having been cancelled in its entirety in which the petitioner was held to be technically unresponsive, we do not consider it to be appropriate to interfere so far as the first relief of the petitioner is concerned.

9. With respect to the relief regarding direction to the authorities to expedite the decision making with respect to recalling the order of debarment, we hope and trust that since the cancellation of the debarment order has been recommended by the Executive Engineer, the process shall be given a finality within a reasonable period of time, as a debarment order against a person is not only a slur, but it is an impediment in his undertaking any work with the Department.



10. With the afore-noted observations, the writ petition stands disposed off.

11. Interlocutory application(s), if any, also stands disposed off.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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