

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4050 of 2024

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M/s PNS Construction through its partner, Hare Ram Singh at Sonmankhi Road Khagaria, Distt. - Khagaria, PIN - 851204.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Govt. of Bihar, Bailey Road, Patna.
2. The Engineer-in-Chief Rural Works Department, Govt. of Bihar, Bailey Road, Patna.
3. The Chief Engineer, Rural Works Department, Bailey Road, Patna.
4. The Superintending Engineer, Rural Works Circle, Khagaria.
5. The Executive Engineer, Rural Works Division, Gogri, Distt. - Khagaria.
6. The Assistant Engineer, Works Sub Division, Gogri, Distt. - Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suresh Prasad Singh No. 1, Advocate Ms. Kumari Rashmi, Advocate
For the Respondent/s	:	Mr. Jitendra Kumar, AC to AAG-11

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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 : 21-01-2025

Heard Mr. Suresh Prasad Singh No. 1, the learned Advocate for the petitioner and Mr. Jitendra Kumar, the learned counsel for the State.

2. By the impugned order dated 13.06.2023, passed by the Engineer-in-Chief, Rural Works Department, Govt. of Bihar (respondent No. 2), as many



as 35 contractors have been blacklisted for an indefinite period.

3. It appears from the records that the petitioner, namely, M/s PNS Construction (at Serial No. 4) did not conclude the work by adhering to the timelines and the other requirements under the agreement. So is the case with others, but there is no challenge on their behalf.

4. It further appears from the order that an explanation was called for from the petitioner, which was never supplied.

5. Nonetheless, we find that this general order, even though we have read it only to the extent that it applies to the petitioner, is an order of indefinite duration, which is not permissible in law.

6. No party could be blacklisted for an indefinite period (refer to ***M/S Kulja Industries Ltd. Vs. Chief General Manager, Western Telecom Project Bharat Sanchar Nigam Ltd. & Ors. : (2014) 14 SCC***



731 and *M/S Daffodills Pharmaceuticals Ltd. & Anr.*
Vs. State of U.P. & Anr. : (2020) 18 SCC 550).

7. For the afore-noted reasons, we set aside the order, referred to above, so far as it relates to the petitioner, with a direction that on the furnishing of explanation by the petitioner within a period of three weeks, the respondent No. 2 shall pass a reasoned order in accordance with law within a further period of three weeks.

8. The writ petition stands disposed off accordingly.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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