

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4226 of 2025

Jai Mata Dee and Maa Sita Construction having its Registered Office at village Khairahin, P.O. Pachpokhri, P.S. Baghaila (Nokha), District- Rohtas, Bihar through its Proprietor Sanjay Kumar, Male, aged about 48 years, Son of Late Lal Bahadur Ray, resident of village Khairahin, P.O. Pachpokhri, P.S. Baghaila (Nokha), District Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Engineer in Chief, Road Construction Department, Government of Bihar, Patna.
3. The Managing Director, Bihar State Bridge Construction Corporation, 7, Sardar Patel Marg, Patna 800015, Bihar.
4. The Deputy Chief Engineer, Bihar State Bridge Construction Corporation, 7, Sardar Patel Marg, Patna 800015, Bihar.
5. The Senior Project Engineer, Bihar State Bridge Construction Corporation, Works Division, Ara, District Ara, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Kumar Manish, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 16-04-2025 Heard Mr. Prabhat Ranjan, the learned Advocate

for the petitioner and Mr. Kumar Manish, the learned

Advocate for the respondents.

2. By the order impugned, the petitioner has

been debarred from participating in any contract with the

respondents, till the work for which contract with him was



entered, was completed.

3. The only grievance of the petitioner is that such an order was passed without serving any notice to him.

4. In opposition to the aforementioned contention, Mr. Kumar Manish submits that twice notices were issued to him to step up the pace of the work or else debarment order would be recommended for.

5. Referring to such notices, Mr. Manish, the learned counsel for the respondents submits that it is wrong to say that the order was passed without any notice to him.

6. Mr. Prabhat Ranjan, the learned counsel for the petitioner, however, submits that the contents of such notices do not indicate that for not completing the project, the petitioner has been debarred. The notice has to be specific in its content as also intent. The judicial precedent in this regard is clear which need not be reiterated.

7. In **Gorkha Security Services vs.**



Government (NCT of Delhi) & Ors.: (2014) 9 SCC 105 and in **UMC Technologies (P) Limited vs. Food Corporation of India and another : (2021) 2 SCC 551**, the importance of a clearly worded notice has been emphasised. A party which is to be debarred, which is a drastic action in itself, must have clear knowledge of the action contemplated against him.

8. Without going into the merits of the claim of the petitioner of having done his part of the obligation, we find that the two notices referred to by the respondents do not fall in the category of notices with clear intent which would have meant that in case the grounds offered by the petitioner were not acceptable, debarment order would be passed.

9. For this reason alone, we deem it appropriate to and set aside the order of debarment contained in Annexure-P/2 to this petition, leaving the respondents with the liberty to pass a fresh order, but only on clearly noticing the petitioner about the contemplated course of



action and that also after taking into account the defence taken by the petitioner.

10. The exercise, if initiated, must be completed within a period of four weeks from the date of initiating a fresh proceeding for debarment.

11. The petition stands disposed off accordingly.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Rajesh/Saurabh

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