

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10620 of 2025

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Brajesh Kumar Son of Late Nageshwar Singh, Resident of Mohalla- Raj Nagar, Near Apna Chakki, PGS More, Khagaul Road, Kothwan, P.S. and P.O.- Danapur, District- Patna, Pin- 801105.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road (Nehru Path), Patna- 15.
2. The Secretary, Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road (Nehru Path), Patna- 15
3. The Engineer -in-Chief-cum- Additional Commissioner -cum- Special Secretary, Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road (Nehru Path), Patna- 15.
4. The Chief Engineer, (North), Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road (Nehru Patha), Patna- 15.
5. The Superintending Engineer, Building Construction Department, Building Circle, Muzaffarpur.
6. The Executive Engineer, Building Construction Department, Vaishali Building Division, Hajipur (Vaishali).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Adv Mr. Manish Sahay, Advocate Mr. Anil Kumar Sinha, Advocate Mr. Siddharth Aditya, Advocate Mr. Amrit Kirti, Advocate Mr. Aman Raj, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, Sr, Adv., AAG-4 Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 01-09-2025

In the instant petition petitioner has prayed for the following reliefs:

*“(I) For quashing of debarment order,
issued vide letter No. 467 (Anu) dated 27.02.2025*



under signature of the Executive Engineer, as contained in Annexure-P-11, by which the/45 petitioner has been declared defaulter and debarred for indefinite period in most arbitrary manner, violating the principle of natural justice as well as having without jurisdiction.

(II) For declaring that the action of the Executive Engineer is arbitrariness, mala fide, malicious, colourable exercise of power as well as having without jurisdiction.

(III) For restraining the respondents to take any coercive action against the petitioner relates to agreement in question.

(IV) For further passing such an Order or Orders for which the petitioner is entitled under the law in the facts and circumstances of this case.”

2. Perusal of the impugned communication dated 27.02.2025 shows it is bereft of reasons. That apart notice dated 21.11.2024 is also bereft of material information.

3. Be that as it may, petitioner has submitted reply to the notice dated 21.11.2024 on the very next date on 22.11.2024.

4. Taking note of these facts and material information, it is crystal clear that impugned communication dated 27.02.2025 and so also show-cause notice dated 21.11.2024 are unreasoned communication, therefore, the petitioner has made out a case



accordingly, Letter No. 467 (Anu) dated 27.02.2025 (Annexure-P-11) is set aside.

5. The concerned respondents are hereby directed to issue a detailed show-cause notice, in particularly, what is the proposal action to be taken against the petitioner, supported by reason and other documents, if any, and the same shall be made available to the petitioner, thereafter, the petitioner is hereby directed to file his detailed reply along with the documents, if any. On receipt of such reply, the concerned authority is hereby directed to pass a fresh order after due consideration of each of the contention to be raised by the petitioner within a period of three months.

6. Writ petition is allowed.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

Prakash Narayan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2025
Transmission Date	NA

