

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7013 of 2017

=====

Prem Shankar Singh son of Late Rajaram Singh, Resident of Village-
Bishunpur Chand, P.O.- Chanpura Nanhkar, P.S.- Desri, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Engineer-in-Chief, Rural Works Development, Bihar, Patna.
3. The Superintendent Engineer, Rural Works Department, Hajipur Division,
Vaishali at Hajipur.
4. The Executive Engineer, Rural Works Department, Hajipur, Vaishali.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Ms.Shikha Roy

For the Respondent/s : Mr.Pushkar Narain Shahi-AAG-6

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 21-08-2025

1. The writ petition is filed for the following

reliefs:-

“(i) For issuance of writ in
the nature of mandamus
commanding and directing the
Respondents authority to accept
the online registration request of
the petitioner for registration of
second class contractor in view of
the advertisement notice
published in the Hindi Newspaper
"Dainik Jagran" dated 5.2.2015 or
alternatively direct the
Respondents authority to release



the security amount in favour of the petitioner as due against the Respondents authority.

(ii) For further direction to the Respondents authority to dispose off the representation of the petitioner by reasoned and speaking order within time framed.

(iii) And for any other relief or reliefs for which the petitioner is found to be entitled in the eye of law.”

2. The brief facts culled out of the writ petition are that the petitioner was willing to work as a public contractor and was also willing to render his services in a government office. He applied for registration as a contractor and after due consideration and on completion of the required procedures, he was registered as a contractor under the Rural Works Department under the second category. His licence was valid from 31.07.2014 to 30.07.2019 for a period of five years. In February 2015, a notice was published under the signature of the Engineer-in-Chief, Rural Works Department, for



online registration for all categories. However, the petitioner, being out of station, due to medical treatment, failed to notice the said publication. Upon coming to know of it, the petitioner filed an application on 09.11.2015. By that time, the deadline for submission, i.e., 27.02.2015, was expired and no action was taken on the petitioner's application. The petitioner had also deposited a Bank Draft of Rs. 1,00,000/- as a security deposit for registration. Since there was no response from the respondents, the petitioner submitted a representation before the concerned authorities, which also remained pending. Having no other alternative, the petitioner approached this Court.

3. A detailed counter affidavit was filed by the respondents. As per the contents of the counter affidavit, the cut-off date for online registration was 27.02.2015, while the petitioner's application was submitted on 09.11.2015, i.e., after a delay of about seven months. Therefore, the petitioner was not found eligible for registration.



4. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents and perused the records.

5. The counter affidavit is very much silent regarding the refund of the security deposit. If the petitioner is not entitled for registration the authorities ought to have refunded the security amount. There is no explanation as to why the security amount was not refunded to him.

6. Considering the rival submissions of the parties and upon perusal of the materials available on record, this Court is of the considered view that the security deposit made by the petitioner is liable to be refunded, by the respondents as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

7. With the abovesaid observation, the writ petition stands partly allowed.

(G. Anupama Chakravarthy, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.09.2025
Transmission Date	

