

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12231 of 2025

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Bipin Kumar Patel Son of Late Vijay Kumar Singh Resident of Ward No.- 02,
Azad Nagar, P.S.- Bhabhua, District- Kaimur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
2. The Engineer in Chief, Minor Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer (Planning, Monitoring and Geology), Minor Water Resources Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Adv
For the Respondent/s : Mr. Standing Counsel (11)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 09-09-2025 In the instant petition, petitioner has prayed for the

following reliefs:

*(i) Quashing of the time barred
Show Cause as contained in Letter No. 516
dated 12.06.2025 by which, the Chief
Engineer (Respondent No. 3), without
seeking any extension/permission from this
Hon'ble Court on extending the time limit for
reopening the proceeding and after the
expiry of the Registration of the petitioner,
has proceeded to invoke the provisions of*



Bihar Contractors Registration Rule, 2007 contemplating action of blacklisting.

(ii) Restraining the respondents from giving effect to and taking any coercive action in terms of Letter No. 516 dated 12.06.2025 during the pendency of the present writ application and/or without the leave of this Hon'ble Court.

2. The petitioner had earlier questioned the validity of show cause notice dated 28.02.2023 in CWJC No. 4726 of 2023 and it was allowed on 20.04.2023. It is necessary to reproduce para 3 and it reads as under:

“3. In the light of these facts and circumstances, the petitioner has made out a prima facie case so as to interfere with the show cause notice dated 28.02.2023 (Annexure-1) and it is set aside reserving liberty to the concerned respondent to proceed in accordance with law after giving due notice to the petitioner and following other formalities within a period of three months from the date of receipt of this order.”

3. Feeling aggrieved by the aforementioned order, respondents-State preferred SLP before the Hon'ble Supreme Court in SLP (C) No. 26443 of 2023 with the connected matters. It is necessary to reproduce order of the Hon'ble Supreme Court



dated 10.02.2025 passed in SLP (C) No. 26443 of 2023, it reads as under:

“Learned counsel appearing for the respondent submits that subsequently show cause notice has been issued.

In view of the same, the Special Leave Petition stands disposed of without going into the legal issue raised, which is left open.

Pending application(s), if any, shall stand disposed of.”

4. The respondents-State proceeded to take a decision on 08.02.2025 to the extent that they are going to implement the order while asking the petitioner to submit his explanation to the earlier show cause notice dated 28.02.2023. Thereafter, they have realized such a decision was incorrect. Resultantly, they proceeded to issue order on 02.06.2025 followed by show cause notice on 12.06.2025. The petitioner has assailed the show cause notice dated 12.06.2025 on the score that the respondents cannot take any action subsequent to 20th July, 2023, the date on which order dated 20.04.2023 passed in CWJC No. 4726 of 2023 have lapsed.

5. In support of the aforementioned contention, learned counsel for the petitioner relied on Supreme Court



decision reported in **2025 (2) PLJR 331 (State of Uttar Pradesh vs Ram Prakash Singh)** para 61.

6. Per contra, learned counsel for the respondents resisted the aforementioned contentions and submitted that petitioner has not approached this Court with a clean hand. It is submitted that before the Hon'ble Supreme Court in SLP (C) No. 26443 of 2023 (XVI), he has submitted that subsequently show cause notice has been issued. After taking note of the same, Special Leave Petition was disposed of without going into the legal issue raised, which is left open. It is further submitted that in the light of the fact that the respondents-State have preferred SLP (C) No. 26443 of 2023 and it was decided on 10.02.2025, in the result, order of the co-ordinate Bench dated 20.04.2023 is being implemented on 02.06.2025 and 12.06.2025 vide Annexures P/6 and P/7. Therefore, whatever the action taken by the respondents are within the time limit stipulated in the order dated 20.04.2023.

7. Heard the learned counsels for the respective parties.

8. The State-respondents have preferred SLP (C) No. 26443 of 2023. It is to be noted that there is no interim order insofar as staying the operation of order dated 20.04.2023



passed in CWJC No. 4726 of 2023. Therefore, the State-respondents had option of filing an interlocutory application seeking extension of time in CWJC No. 4726 of 2023 and the same has not been resorted to and so also they did not have the benefit of interim order before the Hon'ble Supreme Court in SLP(C) No. 26443 of 2023, in such circumstances, it was bounden duty of the respondents to give affect to the order dated 20.04.2023 within the time limit stipulated with a rider that such action is subject to outcome of SLP(C) No. 26443 of 2023. Therefore, there is an inaction on the part of the respondents-State. Further, it is to be noted that if the petitioner has apprised the Hon'ble Supreme Court stating that subsequently show cause notice has been issued and the same has been taken note of while disposing Special Leave Petition without going into the legal issue raised, which is left open. State being the petitioner before the Hon'ble Supreme Court, should have apprised stating that co-ordinate Bench decision of this Court has stipulated the time limit and the time limit is required to be modified, such request has not been made before the Hon'ble Supreme Court. Therefore, merely filing Special Leave Petition before the Hon'ble Supreme Court and in the absence of interim order or in the absence of any application and getting extension of time



with reference to the co-ordinate Bench order dated 20.04.2023 passed in CWJC No. 4726 of 2023, the respondents-State cannot ask for condonation of time limit for the purpose of implementation of the orders of the co-ordinate Bench dated 20.04.2023, in the light of Hon'ble Supreme Court decision cited, namely, ***State of Uttar Pradesh vs Ram Prakash Singh*** (supra). It is necessary to reproduce para 61 and it reads as under:

*“61. The fourth issue requires us to consider Abhishek Prabhakar Awasthi (supra), a decision of the Full Bench of the High Court. Being a Full Bench decision, obviously the Tribunal as well as the Division Bench of the High Court was bound thereby. The Full Bench rendered such decision upon considering, inter alia, the decision of this Court in **Union of India and Others v. Satyendra Kumar Sahai and Another**. We may only notice the answers to the questions referred to the Full Bench, reading as follows:-*

“(A) Question No. (a): We hold that if an enquiry is not concluded within the time which has been fixed by the Court, it is open to the employer to seek an extension of time by making an appropriate



application to the Court setting out the reasons for the delay in the conclusion of the enquiry. In such an event, it is for the Court to consider whether time should be extended, based on the facts and circumstances of the case. However, where there is a stipulation of time by the Court, it will not be open to the employer to disregard that stipulation and an extension of time must be sought;

(B) Question No. (b): The judgment of the Supreme Court in the case of Suresh Chandra (supra) as well as the judgment of the Division Bench of this Court in the case of Satyendra Kumar Sahai (supra) clearly indicate that a mere delay on the part of the employer in concluding a disciplinary enquiry will not ipso facto nullify the entire proceedings in every case. The Court which has fixed a stipulation of time has jurisdiction to extend the time and it is open to the Court, while exercising that jurisdiction, to consider whether the delay has been satisfactorily explained. The Court can suitably extend time for conclusion of the enquiry either in a proceeding



instituted by the employee challenging the enquiry on the ground that it was not completed within the stipulated period or even upon an independent application moved by the employer. The Court has the inherent jurisdiction to grant an extension of time, the original stipulation of time having been fixed by the Court itself. Such an extension of time has to be considered in the interests of justice balancing both the need for expeditious conclusion of the enquiry in the interests of fairness and an honest administration. In an appropriate case, it would be open to the Court to extend time suo motu in order to ensure that a serious charge of misconduct does not go unpunished leading to a serious detriment to the public interest. The Court has sufficient powers to grant an extension of time both before and after the period stipulated by the Court has come to an end."

9. Taking note of the aforementioned material information read with the principle laid down by the Hon'ble Supreme Court in the aforementioned decision, the action of the respondents insofar as issuance of impugned show cause notice



incorrect and it is set aside. Accordingly, the present writ
petition stands allowed.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

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