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(2023) 02 PAT CK 0093

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 1431 Of 2023

M/S Krishna Construction Company	APPELLANT
Vs	
State Of Bihar	RESPONDENT

Date of Decision: Feb. 28, 2023

Acts Referred:

- Constitution Of India, 1950 - Article 14

Hon'ble Judges: P. B. Bajanthri, J; Arun Kumar Jha, J

Bench: Division Bench

Advocate: Ranjan Kumar Dubey, Kumar Alok

Final Decision: Disposed Of

Judgement

1. In the instant petition, petitioner has prayed for the following relief:-

(I). For issuance of writ in the nature of certiorari for quashing the letter no. 2037 dated 13.07.2021 (Annexure-1) issued under the signature of the Engineer in Chief, Rural Works Department, Government of Bihar, by which the petitioner(Serial No. 14 and 15) has been debarred along with others for non-completion of the work within the time prescribed in the agreement.

(ii). To hold and declare that the impugned order of debar passed without any show cause notice is violative of Article 14 of the Constitution of India and as such not sustainable in the eyes of law and accordingly direct the respondents to immediately remove the name of the petitioner from the list of debar.

(iii) To pass interim/ex-parte interim order staying the operation of the letter no. 2037 dated 13.07.2021 and/or permit the petitioner to participate in other tenders including the subsequent tender issued by the Rural Works Department, Bihar.

(iv) To pass any other writ/writs, order/orders for which petitioner deemed entitled to."

2. Perusal of Annexure-1 dated 13.07.2021 shows it is not a reasoned order and so also the petitioner has not been provided an opportunity before impugned action at Annexure-1 was taken. Insofar as challenge to Annexure-2 dated 04.11.2021, the concerned authority was required to take necessary steps with reference to the recommendation.

3. In the light of these facts and circumstances, Annexure-1 stands set aside insofar as petitioner is concerned. Insofar as Annexure-2 dated 04.11.2022 is concerned, the concerned respondent is hereby directed to take a decision at the earliest and not beyond 3 months, while giving opportunity to the petitioner.

4. Accordingly, the present petition stands disposed of.