

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5794 of 2020

=====

Ravi Shankar Singh, (Male), aged 41 years, S/o Satendra Singh, Resident of Village-Tilauti, P.O.-Shekhpura, P.S.-Haspura, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Government of Bihar, Rural Works Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
2. The Engineer in Chief, Rural Works Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
3. The Chief Engineer, Rural Works Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, Rural Works Department, Works Division, Tekari, District-Gaya.
5. The Executive Engineer, Rural Works Department, Works Division, Tekari, District-Gaya.
6. The Assistant Engineer, Rural Works Department, Works Division, Tekari, District-Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Advocate
For the Respondent/s : Ms. Archana Meenakshee (GP6)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-11-2021

The petitioner has prayed for the following reliefs:-

“For quashing the order dated 27.09.2019 issued under the signature of Executive Engineer, Rural Works Department, Works Division, Tekari, District-Gaya vide memo no. 1504 by which and where under the petitioner is debarred from participation in future tender and be further please to direct the respondent authority to make available to



land in question, free from any hindrance, i.e., NOC from North Koyal Canal, so that the petitioner is able to construct/complete the work of road and for issuance of any appropriate writ or writs, order or orders, direction or directions as your lordships may deem fit and proper.”

Learned counsel for the respondents states that counter affidavit already stands filed through digital mode. Hard copy stands supplied in the Court.

From paras 7 and 8 of the counter affidavit, it is clear that “No Objection Certificate” stands issued by the respondent department. Further, learned counsel orally states that the impugned communication dated 27th of September, 2019, Annexure-7 (page-21), whereby the petitioner is alleged to have been blacklisted is a mere recommendation and not an order blacklisting the petitioner.

On the latter aspect, we are not in agreement with the submission made by the learned counsel as the language of the impugned communication is unambiguously clear.

The said communication addressed to the petitioner states that since the petitioner has failed to complete the work he stands debarred from participating in the next bidding process.



It is brought to our notice that prior to the issuance of the impugned communication, petitioner was never heard nor any show cause notice issued.

As such, on this short ground alone, we quash the impugned communication dated 27th of September, 2019.

As already observed, the Department has also taken action by issuing “No Objection Certificate”.

In the aforesaid terms, petition stands disposed of.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

