

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1084 of 2016**

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Surendra Singh son of Ram Sakal Singh, resident of Mahajantoli, P.O. and P.S. Ara District Bhojpur having present address at Veer Kuanwar Singh Chawk, P.S. Shashtri Nagar, Distt.- Patna- 800024

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Road Construction Department, Visheshwaraiya Bhawan, Patna.
2. The Engineer in Chief N H, Road Construction Department, Visheshwaraiya Bhawan, Patna

... .. Respondent/s

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**Appearance :**

|                      |   |                                                                                                  |
|----------------------|---|--------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Bikas Kumar Sharma, Advocate<br>Mrs. Madhuri Kumari, Advocate<br>Mr. Abneesh Kumar, Advocate |
| For the Respondent/s | : | Mr. Sunil Kumar Mandal, SC-3<br>Mr. Bipin Kumar, AC to SC-3                                      |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

2      02-05-2023                      In the instant petition, petitioner has prayed for the following relief(s):-

*“(i). To issue a writ of mandamus of any other appropriate writ/order/direction commanding the respondent no.2 to delete the name of the petitioner (at serial No. 18) from the debarred contractors as contained in the letter dated 31-01-2014 after recalling the black listing order issued by memo No. 3254 (E) dt. 28-09-2009 whereby and where under the petitioner was black listed on allegation of non completion two contract works relating to N.H wing so that the petitioner becomes entitled to participate in any tender bid.*

*(ii). To pass any other appropriate order/direction or to grant any other relief*



*for which the petitioner is entitled to under the facts of the case."*

2. Petitioner has been blacklisted for indefinite period and his name has been reflected in Annexure-3 at Serial No. 18, which reads as under:-

Annexure 3

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अभिप्रेत प्रमुख-सह-अपर आयुक्त-सह विशेष निवेदक कार्यालय  
एक निर्माण विभाग, बिहार, पटना

आपक-प्रक-विधि-102/2010 - 567 (E) WE पटना दिनांक 31/11/14

सेवा में  
श्री मुख्य अभियंता, एक निर्माण विभाग।  
श्री अडीएल अभियंता, एक निर्माण विभाग।  
श्री कार्यपालक अभियंता, एक निर्माण विभाग।  
(संलग्नक संख्या 10/10)

विषय: अतीत/निमित्त संकेतों की सूची में संशोधन।

महोदय,  
उपरोक्त विषय के संकेत में बताया है कि विभाग द्वारा अतीत/निमित्त संकेतों की अद्यतन सूची विभागीय वेबसाइट पर दी जा रही है।  
जो अनुरोध है कि विभाग के विभाग में इस में निविदा में भाग लेने वाले संकेतों के संकेत में आवश्यक जानकारी विभागीय वेबसाइट से प्राप्त करने पर ध्यान देकर कार्यवाई की जाए।

(बबन राम)  
अभिप्रेत प्रमुख,  
एक निर्माण विभाग, बिहार, पटना।

आपक-प्रक-विधि-102/2010 - 567 (E) WE पटना दिनांक 31/11/14

प्रतिनिधि- अडीएल अभियंता, (अनुसंधान), एक निर्माण विभाग, बिहार, पटना/कार्यपालक अभियंता (अनुसंधान) एक निर्माण विभाग, बिहार, पटना को विभागीय वेब साइट पर देने हेतु प्रेषित।

(बबन राम)  
अभिप्रेत प्रमुख,  
एक निर्माण विभाग, बिहार, पटना।

आपक-प्रक-विधि-102/2010 - 567 (E) WE पटना दिनांक 31/11/14

प्रतिनिधि- क्षेत्रीय पदवीधारी, सड़क परिवहन एवं राजमार्ग मंत्रालय/अभिप्रेत प्रमुख, बिहारपुरी IAS Colony, पटना को सूचनाएं प्रेषित।

(बबन राम)  
अभिप्रेत प्रमुख,  
एक निर्माण विभाग, बिहार, पटना।



[illegible]

3. Perusal of the records, it is evident that even though notice has been issued as to why he should not be blacklisted, however, period of blacklisting has not been indicated, in other words, there is no specific notice. Apart from the material information, the petitioner has already suffered blacklisting from the year 2014 to this date. Further, there is no interim order.

4. Therefore, we are of the view that petitioner has



already suffered blacklisting for about nine years. Such a blacklisting order would not be a hurdle for participating in any future tender. In fact, the Apex Court in the case of *M/S Chauhan Builders Raibareli Vs. The State of Uttar Pradesh and Ors.*, reported in *2022 Livelaw (SC) 694* held that notice of blacklisting must be very specific and for a particular period and if notice does not contain the gist of number of years of blacklisting that would suffice to nullify the blacklisting order and matter would be remanded for the competent authority. In the present case, question of remanding the matter is not warranted for the reasons that petitioner has already undergone blacklisting for about nine years. Therefore, the petitioner has made out a case so as to treat the blacklisting order dated 31.01.2014 up to this date in view of the fact that indefinitely the petitioner has been blacklisted.

5. Accordingly, the writ petition stands allowed in part.

**(P. B. Bajanthri, J)**

**( Arun Kumar Jha, J)**

Himanshu/-  
Ashish/-

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