

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2322 of 2025

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Kunal Kush Son of Shree Kush Prasad Mandal, Resident of- Ward No.-15,
Gaiyari Yadav Tola, Near Tower, Galgari, P.O. and P.S.- Araria, District-
Araria, Bihar- 854311.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Engineer in Chief-cum-Additional Commissioner-cum-Special Secretary, Building Construction Department, Government of Bihar, Patna.
4. The Chief Engineer (North), Building Construction Department, Government of Bihar, Patna.
5. The Internal Financial Advisor, Building Construction Department, Government of Bihar, Patna.
6. The Superintending Engineer, Building Circle, Purnea.
7. The Executive Engineer, Building Division, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari, Adv.
For the Respondent/s : Mr. Additional Advocate General (7)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

12 10-09-2025

Heard the learned counsel for the parties.

The present writ petition has been filed for the
following relief(s):-

*“(i) Issue a writ of
Certiorari/Mandamus or any other appropriate
writ/order/direction, for quashing of the office
Order dated 16-01-2025 (Annexure-P/7) issued by
Respondent No. 7, with respect to e-tender Re-
invitation Notice No. 04/2024-25 insofar as it
relates to the Petitioner at Serial No. 6, whereby the
Work Order No. 36 Araria, dated 13-01-2025 and
related agreement No. SBD-11/2024-25 dated 13-
01-2025 awarded and executed in favour of the
Petitioner with respect to "Construction of*



Panchayat Sarkar Bhawan in Bokra, Jhiruwa Pachhiyari, Majhuwa, Jhiruwa Purwari & Doriya Sonapur Panchayats in Block Forbesganj under District Araria" pursuant to acceptance letter No. 03, dated 02-01-2025 issued by the Respondent No. 7 was cancelled, citing that the bid capacity limit of the Petitioner was exceeded, just after three days of execution of the work agreement arbitrarily and unilaterally without providing the Petitioner an opportunity to be heard, and that too when the Petitioner had already completed the groundwork of soling and PCC of base work.

(ii) To issue a writ of mandamus directing the Respondents to reinstate the acceptance order No. 6871, dated 30-12-2024. Wok order no.-36 Araria, Dated 13-01-2025 and agreement No. SBD-11/2024-25 dated 13-01-2025, and allow the Petitioner to execute the work in terms of the said work order and agreement.

(iii) For Grant of interim stay on the re-tendering process for the said work, including Tender Inviting Notice 08(SBD)/BCD, Araria/2024-25, during the pendency of this writ application.

(iv) To Restrain the Respondents from proceeding further and finalizing the Tender process arising out of Tender Inviting Notice 08 (SBD)/BCD, Araria/2024-25 with respect to Sarkar "Construction of Panchayat Bhawan in Bokra, Jhiruwa Pachhiyari, Majhuwa, Jhiruwa Purwari & Doriya Sonapur Panchayats in Block Forbesganj under District Araria" during the pendency of the present writ application and/or without the leave of this Hon'ble Court.

(v) Any other relief or reliefs which the petitioner may be found entitled to in the facts and circumstances of the present case."

3. The impugned order dated 16.01.2025 is set aside solely on the ground that the same has been cancelled without giving any show cause notice to the petitioner and the same is violation of the principles of natural justice and equity.



4. In the supplementary counter-affidavit filed by the respondent Nos. 3 to 7 at Para No. 7, it is admitted that no prior show cause notice has been issued to the petitioner before the order of cancellation was passed.

5. Having regard to the same, the impugned order dated 16.01.2025 is set aside. In case the respondents want to take any action, they shall issue the petitioner a show cause notice and grant an opportunity to the petitioner to file his explanation/ objection and, thereafter, pass a reasoned order.

6. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. The authority shall endeavor to complete the entire exercise as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. Any orders passed, shall be communicated to the petitioner.

7. It is made clear that this Court has not gone into the merits of the case and the impugned order of cancellation dated 16.01.2025 is set aside solely on the ground of violations of the principles of natural justice and equity.

8. Till such time, the authorities take a final decision, the authorities shall not proceed further with the E-tender Re-invitation Notice-10 (SBD)/BCD, Araria/2024-25 dated



13.02.2025.

9. With the above direction, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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