

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3091 of 2025

Kamac Engineers Private Limited having its registered place of business at F0201, Second Floor, City Centre, Office Block, Uttrayon Township, Siliguri, District- Darjeeling, West Bengal- 734010 through its authorised representative namely Yudhajit Saha male aged about 30 Years Son of Surajit Saha resident of T.B. Hospital Para, Jalpaiguri, P.O.- Jalpaiguri, Kharia (P) (ct), Jalpaiguri Govt. Engineering College, P.S.- Kotwali, District- Jalpaiguri, West Bengal- 735102.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Department of Road Construction, Government of Bihar Patna.
2. The Additional Chief Secretary, Department of Road Construction, Government of Bihar Patna.
3. The Engineer In Chief (Work Management), Department of Road Construction, Government of Bihar, Patna.
4. The Financial Advisor, Road Construction Department, Government of Bihar, Patna.
5. The Chief Engineer, Simanchal Subdivision, Road Construction Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Advocate Mr. Alok Kumar Jha, Advocate Mr. Mukund Kumar, Advocate Mr. Akash Kumar, Advocate Mr. Preety Choudhary, Advocate
For the Respondent/s	:	Mr. Pratik Kumar Sinha, AC to GA V

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

(Per: HONOURABLE THE CHIEF JUSTICE)

5 25-09-2025 In the instant writ petition, petitioner has prayed for
the following reliefs :

*“a) For issuance of a writ in the
nature of certiorari for quashing of the order*



communicated vide letter bearing memo no. 4983 (E) dated 07.10.2024 issued f by the respondent Engineer in Chief (work Management), Department of road construction, government of Bihar, Patna whereby the petitioner has been blacklisted for a period of 10 years in most unreasonable, arbitrary and illegal manner;

b) For further restraining the respondents from depriving the petitioner or in any manner affecting the participation of the petitioner in any of the tenders invited by any Government department of the state of Bihar and any of the corporation or company etc in light of the impugned office order as the same is illegal, arbitrary and violative of principles of natural justice;

c) For holding and a declaration that the impugned office order blacklisting the petitioner for a period of 10 years from the date of its issuance suffers from the error of violation of principles of natural justice for being non-speaking, disproportionate and mechanical and as such fit to be quashed and set aside by this honourable court;

d) For further holding and a declaration that the impugned office order having not dealt with the issues of facts as well as law raised by the petitioner on the one hand and having drastic consequences of suspending the whole business activity of the petitioner as a contractor on the other hand



for a period of 10 years is violative of the Fundamental rights of the petitioner for freedom of trade and profession in terms of Article 19 (1) (g) of the Constitution of India;

e) For grant of any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.”

2. Perusal of the records, it is crystal clear that there is an error committed by the petitioner insofar as filing of an affidavit on 28.03.2024 in suppressing blacklisting issue dated 13.10.2022 by the Water Resource Department. However, in respect of quantum of blacklisting for a period of ten years would be too harsh in the light of the fact that livelihood of petitioner and employees are under stake.

3. The Hon'ble Supreme Court, time and again, held that quantum of blacklisting period is required to be commensurate with the nature of error committed by the Contractor read with Article 19 (1)(g) and Article 21 of the Constitution, therefore, we set aside the order dated 07.10.2024 and remand the matter to the concerned authority *namely* the Engineer-in-Chief (Work Management) Department of Road Construction, Government of Bihar, Patna, to examine only in respect of quantum of blacklisting period of ten years which is too harsh, it could be reduced. In this regard, the



aforementioned Articles read with the fact that livelihood of the petitioner and its employees are under stake, the same shall be taken note of and proceed to pass order within a period of three months from the date of receipt of copy of this order.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

GAURAV S./-

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