

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7585 of 2024**

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Gyan Jyoti Gramouthan Kalyan Samiti through its Secretary, Jitendra Kumar Pandey, aged about 52 years, Male, son of Late Anirudh Kumar Pandey, resident of Village and P.O.-Chorauwan, P.S. Baniyapur, District-Saran, Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Govt. of Bihar, Patna.
2. The Joint Secretary Health Department, Govt. of Bihar, Patna.
3. The Executive Director, State Health Society, Bihar, Patna.
4. The Regional Deputy Director, Health Department Tirhut Division, Muzaffarpur.
5. The District Magistrate cum Chairman, District Health Society, East Champaran, Motihari.
6. The Civil Surgeon cum Chief Medical Officer, East Champaran, Motihari.
7. The Civil Surgeon cum Member Secretary, District Health Society, East Champaran, Motihari.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s   | : | Mr. Sanjay Kumar Singh, Adv. |
| For the Respondent/s   | : | Mr. Standing Counsel 28      |
| For the State          | : | Smt. Binita Singh, Adv.      |
| For the Health Society | : | Dr. Anand Kumar, Adv.        |
|                        |   | Mr. Rajan Prakash, Adv.      |

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

14    09-09-2025

Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

*“(i) To quash the order contained in Letter No. 2123/DHS dated 13.02.2020 (Annexure-P/3) issued under the signature of Civil Surgeon-cum-Member Secretary, District Health Society, East Champaran, Motihari, whereby and whereunder the cleaning work of*



*the hospitals allotted to the petitioner discontinued with immediate effect.*

*(ii) Further to quash the Memo No. 3306/Motihari dated 08.09.2020 (Annexure-P/6) whereunder the permission granted to the petitioner to continue the work till last decision of the tender by (Annexure-P/5) has been stayed vide Memo No. 3297/Motihari dated 08.09.2020.*

*(iii) To command and direct the respondents to allow the petitioner to continue the cleaning work at primary health centre, paharpur/Kotawa/Kesariya/Sangrampur and Mehasi as per work order contained in Letter No. 1446/DHS dated 21.10.2016 (Annexure-P/1) and further in view of Memo No. 3297 dated 08.09.2020 (Annexure-P/5) on the basis earlier tender terms and conditions.*

*(iv) Further to command and direct the respondents to pay the due amount to the petitioner for the work done earlier in the aforesaid Hospitals.”*

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been granted the contract for cleaning and maintenance of the primary health centre Paharpur/ Sangrampur/ Kesariya/ Mehasi and Kotawa Hospitals situated at Motihari. It further submitted that the petitioner has been given the work order on 21.10.2016 and he



has been continuing to do the work. However in the year 2019, the petitioner along with the other agencies were blacklisted vide Memo No. 5026 dated 16.12.2019 and the petitioner has approached this Hon'ble Court by way of CWJC No. 2006 of 2020 and CWJC No. 3343 of 2020. That the said writ petitions were disposed of vide order dated 26.02.2020 and 19.03.2021 respectively, wherein the order of blacklisting was set aside. Learned counsel submits thereafter the Respondent No. 6 on 08.09.2020 vide memo no. 3297 has granted permission to the petitioner to continue the work as per the terms and conditions of the earlier tender. That immediately on the very same day i.e. 08.09.2020 the Respondent No. 6 vide memo No. 3306/Motihari has stayed the permission granted to the petitioner to continue the work. Learned counsel further submits that vide the impugned order dated 13.02.2020 bearing Letter No. 2123/DHS (Annexure-P/3) and Memo No. 3306/Motihari dated 08.09.2020 (Annexure-P/6) the cleaning work allotted to the petitioner has been discontinued. It is further stated that the only reason for discontinuing the work allotted to the petitioner is on the basis of the blacklisting done vide memo no. 5026 dated 16.12.2019 which has already been set aside by this Hon'ble Court vide order dated 26.02.2020. Learned counsel submits that the



authority without any application of mind has passed the impugned order dated 13.02.2020 in the present writ petition discontinuing the work issued in favour of the petitioner. Learned counsel therefore prays for setting aside the impugned order dated 13.02.2020 and 08.09.2020 by allowing the present writ petition.

4. *Per contra*, the learned counsel appearing on behalf of the respondents State has vehemently opposed the very maintainability of the present writ petition. Learned counsel has submitted that the authority duly taking into consideration that the petitioner has already been blacklisted earlier, has discontinued the work allotted to him. Learned counsel, therefore, prays this Hon'ble Court to dismiss the present writ petition.

5. Admittedly as seen from the record, the petitioner has been granted the job of cleaning the hospitals vide memo dated 21.10.2016 and the petitioner has been continuing the work. The fact that the petitioner is continuing with the work till date has not being denied and as no new tenders have been called by the authorities. Admittedly, the order of blacklisting passed by the authority on 16.12.2019 has already been set aside by this Hon'ble Court vide order dated 26.02.2020 in C.W.J.C.



No. 2006 of 2020. Once the order of blacklisting has already been set aside by this Hon'ble Court, the question of authorities relying on the said blacklisting for the purpose of discontinuing the work or cancelling the work allotted to the petitioner does not arise. The authority is legally bound to obey the orders passed by this Court and in case the respondents were aggrieved by the order of this Hon'ble Court passed in C.W.J.C. No. 2006 of 2020 dated 26.02.2020 they should have challenged the same. That once the order has become final, they cannot rely on the earlier blacklisting which was set aside for discontinuing the work or terminating the license.

6. Having regard to the above mentioned facts and circumstances, the impugned order dated 13.02.2020 and 08.09.2020 are both set aside and the authorities are directed to permit the petitioner to continue the work. This order does not preclude the authorities from issuing a fresh tender calling for bids for the purpose of cleaning the hospitals.

7. With the above directions, the present writ petition stands disposed of.

**(A. Abhishek Reddy , J)**

Gauravkr/-

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