

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9646 of 2025

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Sai Engicon and Constructions Pvt. Ltd. a company registered under Companies Act, 2013, having its registered office at RT Bhawan, Punaichak, Patna-800023, through its Director Sujeet Kumar Jha, Male, age about 42 years, Son of Ashok Kumar Jha, Resident of 203, Block-B, Ravi Enclave, Vijay Vihar Colony, Near St. Karens School, Sagunamore, Khagaul Road, Dinapur-cum-Khagaul, Patna, Bihar-801503.

... .. Petitioner

Versus

1. The State of Bihar through Addl. Chief Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Engineer in Chief, Work Management, Road Construction Department, Government of Bihar, Patna.
3. The Executive Engineer, Road Construction Department, Road Division, Benipur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Venkatesh Kirti, Advocate
For the Respondent/s : Mr.Additional Advocate General (4)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-09-2025

In the instant Writ petition, petitioner has prayed
for the following relief(s):-

*“a.) For issuance of Writ in the nature
of Certiorari quashing the Order dated 01.01.2025
passed by Respondent No.2 wherein the petitioner
Company has been blacklisted for 10 years from
participating in any future tender.*

*b.) For issuance of Writ in nature of
Mandamus directing the Respondent Authorities to*



recall the Order dated 01.01.2025 and pass Order after giving the Petitioner adequate opportunity to place its case and then take appropriate Order of Blacklisting.

c.) For any other relief or reliefs which the petitioners may be found entitled to in the facts and circumstances of the case.”

2. Petitioner had waived of his right to submit his explanation to the Show-Cause Notice dated 30.08.2024 and 25.11.2024. Be that as it may, he has assailed the order dated 01.01.2025. Petitioner has invoked parallel remedy insofar as filing writ petition as well as appeal. It is learnt that during the pendency of the present petition, appeal is stated to have dismissed. In the meanwhile, learned counsel for the petitioner intends to challenge the Appellate Authority order. We find there is no merit other than harsh penalty of blacklisting for about 10 years. The authority, who has passed the impugned order dated 01.01.2025 is hereby directed to re-examine insofar as quantum of number of years of blacklisting in the light of Hon'ble Supreme Court decision in the case of ***Daffodills Pharmaceuticals Limited and Another versus State of Uttar Pradesh and Another*** reported in ***(2020) 18 Supreme Court Cases 550*** read with Article 19(1)(g) and 21 of the Constitution



that petitioner’s livelihood is at stake for almost a decade in event of giving effect to blacklisting for a period of 10 years.

3. Accordingly, impugned order dated 01.01.2025 (Annexure – P/16) stands set aside. The Appellate Authority order is also set aside. The concerned Authority is hereby directed to pass a fresh order insofar as blacklisting while taking note of the aforementioned observation. The above exercise shall be completed within a period of three months from the date of receipt of this order.

4. Accordingly, the instant Writ petition stands disposed of.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.09.2025
Transmission Date	NA

