

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14132 of 2025

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Geeta Enterprises a proprietorship firm having its place of business at C-24 Narayan Vihar Colony, Bikaner, Bikaner, Rajasthan-334001 through its authorized signatory namely Netram male aged about 34 years son of Tiloka Ram, resident of Ward No.-5, Khoda, P.S.-Rawat Sir, District-Hanumangarh, Rajasthan-335525.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary cum Mines Commissioner, Department of Mines and Geology, Government of Bihar, Patna.
2. The Secretary cum Mines Commissioner, Department of Mines and Geology, Government of Bihar, Patna.
3. The Additional Chief Secretary, Department of Mines and Geology, Govt. of Bihar, Patna.
4. The District Magistrate cum Collector, Madhubani.
5. The Mines Inspector cum Competent Authority, Madhubani. (Cluster-1).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Advocate Mr. Alok Kumar Jha, Advocate Mr. Mukund Kumar, Advocate Ms. Preety Choudhary, Advocate Mr. Akash Kumar, Advocate
For the Respondent/s	:	Mr. Santosh Chandra Bhaskar, AC to GP-11

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

Date : 03-09-2025

In the instant petition petitioner has prayed for the following reliefs:

*“a) For issuance of a writ or order
or a direction in the nature of certiorari for
quashing of the order dated 27.06.2025*



issued vide memo number 3492/M by the respondent number 2 whereby the appeal preferred by the Petitioner against the order dated 19.11.2024¹³ issued vide memo number 823/M by the respondent collector Madhubani has been rejected without any application of mind and thereby confirming the said order of the collector which is wholly illegal, arbitrary, without jurisdiction and unsustainable in the eye of law;

b) For further issuance of a writ or order or a direction in the nature of certiorari for quashing of the order dated 19.11.2024 issued vide memo number 823/M by the respondent collector Madhubani whereby the earnest money deposit made by the petitioner and the time of participation in the tender process has been forfeited and the petitioner has been debarred for a period of 2 years from participation in government tenders;

c) For further issuance of a writ in the nature of Mandamus directing the



respondents to refund the earnest money deposit of the petitioner along with the interest from the date of deposit till the date of realization to the petitioner,

d) For further issuance of a writ or order or a direction in the nature of mandamus directing the respondents to compensate the petitioner for having caused undue harassment suffered by the petitioner by participating in the tender process by completing all the required formalities against no mineral rights actually available due to absence of sand in the sandghats concerned;

e) For further a direction upon the respondents to initiate an independent inquiry into the roles and responsibility of the authorities concerned in certifying the cluster viability before tendering;

f) 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 evident that show-cause was issued to the petitioner for furnishing his say in respect of proposal to blacklist him for two years. Petitioner had submitted application/representation on 30.10.2024, thereafter, he was blacklisted for a period of two years on 19.11.2024. He had preferred an appeal before the Appellate Authority and it was rejected on 27.06.2025.

3. Perusal of the blacklisting order read with the Appellate Authority, it is crystal clear that there is a total non-application of mind on behalf of the concerned authority in so far as not considering the petitioner's objection/reply to show-cause notice. The concerned authority is exercising quasi judicial function, therefore, he was bounden duty to consider show-cause notice read with the petitioner's objection and other materials. There is no consideration in respect of the above factual aspects of the matter. On this count impugned actions of the respondents are liable to be set aside and matter is required to be remanded. The concerned authorities are hereby requested to peruse **Oryx Fisheries Private Ltd. vs. Union of India & Ors.** reported in **(2010) 13 SCC 427**, paragraph-40.

4. The concerned authorities are hereby requested to follow the principle laid down in the aforementioned decision



and proceed to pass a fresh order after due opportunity of hearing if any, within a period of three months from the date of receipt of this order.

5. In the meanwhile, if the petitioner intends to file additional objection, he is permitted to do so within a period of four weeks from today. Thereafter, concerned authority shall pass a speaking and reasoned order.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

Prakash Narayan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2025
Transmission Date	NA

