

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14743 of 2025

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Anil Kumar, aged about 44 years, Male, son of Dwarika Singh, resident of Dhangai Tola, Bikramganj, P.S. Bikramganj, District Rohtas.

... .. Petitioner/s

Versus

1. The Bihar State Educational Infrastructure Development Corporation Ltd. (A Government of Bihar undertaking), Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004 through its Managing Director.
2. The Managing Director, the Bihar State Educational Infrastructure Development Corporation Ltd. Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004.
3. The Chief Engineer, the Bihar State Educational Infrastructure Development Corporation Ltd. Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004.
4. The Superintending Engineer, the Bihar State Educational Infrastructure Development Corporation Ltd. Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate
		Mr. Ansh Prasad, Advocate
For the Respondent/s	:	Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 10-09-2025 In the instant writ petition, petitioner has prayed for the following reliefs :

“(i) Quashing of the exparte Office Order No. 117 dated 23.09.2024 (Annexure P/7) as contained in Memo No. 5899 dated 23.09.2024 by which, the Chief Engineer, upon approval by the Managing Director of the Corporation, has debarred the petitioner from



participating in future tenders till completion of the work awarded to the petitioner in terms of Clause 3.3 and 4.8 read with Road Construction Department Letter bearing Memo No. 2131 dated 13.03.2009.

(ii) Declaration to the effect that Clause 3.3 and 4.8 of the ITB to the SBD is not an independent source of power to debar any Contractor instead, it is a consequential provision under the Standard Bidding Document according to which, notwithstanding a Bidder fulfilling the eligibility criteria, he may be declared disqualified for the reasons mentioned in those progress; and

(iii) Restraining the Respondent from giving effect to exparte Office Order No. 117 dated 23.09.2024 contained in Memo No. 5899 dated 23.09.2024 (Annexure P/7) during the pendency of the present writ application and/or the without the leave of this Hon'ble Court."

2. In support of the aforementioned reliefs, learned counsel for the petitioner submitted that petitioner has not been heard in the matter. By virtue of the impugned order dated 23.09.2024, petitioner's right has been taken away and it has certain civil consequences, in such circumstances invariably persons are entitled for hearing/show cause notice and other formalities of providing opportunity. The same has not been provided and it is admitted by the learned counsel for the respondents. In the light of these facts and circumstances,



Annexure P7 dated 23.09.2024 stands set aside. Matter is remanded to the concerned authority to proceed afresh after providing ample opportunity of hearing to the petitioner.

3. The above exercise shall be completed within a period of three months from the date of receipt of copy of this order. Accordingly, writ petition stands allowed.

4. At this stage, learned counsel for the petitioner submitted that author of the impugned decision has no jurisdiction/is not a competent person, the same is left open to be urged.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

GAURAV S./-

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