

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18746 of 2024

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M/s Kunal Saroj Through its proprietor Kunal Saurabh, Male, Aged about 46 Years, Son of Bhusan Kumar Saroj and a resident of Ward no. 5, Maruwaha, Manikpur, P.S. Bharrahi, District Madhepura - 852113.

... .. Petitioner/s

Versus

1. State of Bihar through Secretary, Rural Works Department, Government of Bihar, Patna.
2. Special Secretary, Rural Works Department, Government of Bihar, Patna.
3. Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer, Rural Works Circle, Madhepura.
5. The Executive Engineer, Rural Works Department, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Jha, Advocate
For the Respondent/s : Mr. P.K. Shahi, Advocate General

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 02-04-2025

Heard Mr. Suman Kumar Jha, learned Advocate for the petitioner and the learned Advocate General for the respondents.

2. The petitioner has been black listed for ten years by the order dated 28.04.2023 passed by respondent No.3. The petitioner has prayed for setting aside the aforesaid order as also for a direction for refund of the advance amount paid by the petitioner.



3. It appears from the counter affidavit that the advance amount has already been refunded.

4. The petitioner, therefore, only challenges such a long period for which he has been blacklisted.

5. It appears that before the bid process was finalized, the petitioner and his other associate had entered the office of the Superintending Engineer, Rural Work Circle, Madhepura and had assaulted him brutally for which a criminal case was lodged. This was a good reason for the petitioner's firm to be blacklisted.

6. The learned counsel for the petitioner, however, has submitted that blacklisting has a cascading effect of preventing a person from the privilege and advantage of entering into lawful relationship with the government for the purposes of gains. It is a disability which almost leads to the civil death of the contractor. The allegation made in the FIR is disputed. Only for that reason , viz. the act of vandalism, which allegation might not turn out to be true in the police investigation, the petitioner's firm has been blacklisted for ten years.



7. The learned Advocate General appearing for the respondents has submitted that it was a grave misconduct on the part of the petitioner and, therefore, no concession could be given to him. However, considering the fact that the accusation against the petitioner is yet to be proved in a Court of Law, this cannot form the basis for a blacklisting order with a finite life span but abnormally long.

8. We are of the view that such a long life span of the black listing order against the petitioner would be disproportionate and is not fit to be sustained.

9. We, therefore, asked the Advocate General whether necessary corrigendum could be taken out in the administrative side for reducing the number of years for which the petitioner would remain blacklisted.

10. After some arguments, the learned Advocate General submitted that the respondents would have no objection, if the period of blacklisting would be reduced from 10 years to 5 years.

11. This is a rational approach of the respondents.

12. We thus modify the order of blacklisting to be



operative for 5 years and not 10 years.

13. With the aforementioned modification in the impugned order dated 28.04.2023, the writ petition stands disposed off.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

manoj/krishna-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.04.2025
Transmission Date	NA

