

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1438 of 2026**

V. B. Buildcom through its authorized representative namely Diwakar Kumar (Reg. No.1200261), Male, aged about 43 years, S/o- Deo Narayan Bhagat, Resident of Bhagat Tola, Ward No.- 28, P.S. Araria, District Araria Pin Code- 854311.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Rural Works Department, the Government of Bihar, Patna.
2. The Additional Chief Secretary, Rural Works Department Government of Bihar, Patna.
3. The Secretary, Rural Works Department Government of Bihar, Patna.
4. The Engineer -in- Chief, Rural Works Department Government of Bihar, Patna.
5. The Chief Engineer, Rural Works Department, Purnea.
6. The Superintending Engineer, Rural Works Department the Work Circle, Kishanganj.

... .. Respondents

**Appearance :**

|                     |   |                                                                |
|---------------------|---|----------------------------------------------------------------|
| For the Petitioner  | : | Mr. Vijay Kishore Bharti, Advocate                             |
| For the Respondents | : | M/S Nivedita Chaudhary and Prateek Kumar Singh, A.C. to G.A. 5 |

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**and**  
**HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)**

2      09-02-2026                      Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The following reliefs have been sought for by the petitioner in the present writ application:

*“1(a) For issuance of a writ in the nature of certiorari for quashing of the order communicated vide Letter bearing Memo*



*No. 10706 dated 09.10.2025 issued by the respondent Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna, whereby the petitioner bearing Registration No. 1200261 has been blacklisted for a period of 02(two) years unreasonable, arbitrary and illegal manner, as well as the order passed on 05.12.2025 passed by the Secretary, Rural Works Department in appeal filed by the petitioner communicated vide Memo No. 12464 dated 11.12.2025.*

*(b) For further restraining the respondents from depriving the petitioner or in any manner, affecting the participation of the petitioner in any of the tenders invited by any Government Department of the State of Bihar and any of the Corporation or Company etc., in light of the impugned office, arbitrary and violative of principles of natural justice.*

*(c) For holding and a declaration that the impugned office order blacklisting the petitioner for a period of 02 (two) years from the date of its issuance suffers from the error of violation of principles of natural justice for being non-speaking, disproportionate and mechanical and as such fit to be quashed and set aside by this Hon'b le Court.*

*(d) For further holding and a declaration*



*that the impugned office order having not dealt with the issues of facts as well as law raised by the petitioner on the one hand and having drastic consequences of suspending the whole business activity of the petitioner as a contractor on the other hand for a period of 02 (two) years is violative of the fundamental rights of the petitioner for freedom of trade and profession in terms of Article 19(1) (g) of the Constitution of India.*

*(e) For grant of any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.*

*(f) Whether the impugned order passed by the respondent nos. 3 and 4 do not violate the fundamental rights guaranteed under Article 14 and 19(1)(g) of the Constitution of India.?*

3. It is submitted by learned counsel for the petitioner that the petitioner had participated in an e-Tender (I.D. No. 140344) for construction of RCC Bridge under Works Division, Araria under the Pradhan Mantri Gram Sadak Yojana-III. As required, the petitioner submitted details of two key personnels, namely, Er. Arun Kumar and Er. Ankur Kumar. During scrutiny, the Technical Bid Evaluation Committee found violation of Clause 4.4B(b)(ii) of SBD (PMGSY-III), whereupon the Department issued a show cause dated 25.08.2025. The



petitioner submitted a reply to the said show cause on 08.09.2025.

4. The case of the Department is that forged documents were submitted alongwith the technical bid, and therefore, an order was passed against the petitioner. Against the said order, an appeal was preferred by the petitioner, which was also dismissed vide order dated 05.12.2025.

5. The issue for consideration before this Court is whether the documents submitted by the petitioner alongwith the technical bid were in violation of the provisions of the Bihar Registration of Contractors Rules (Rural Works Department), 2007, particularly Rule 11(a)(ix), which is reproduced hereinbelow:-.

***“11 Black-Listing and Suspension:-***

*(a) (ix) On submission of false or forged security as earnest money and forged documents.”*

6. Upon consideration of the materials on record, this Court finds no infirmity in the order passed by the Appellate Authority. However, the petitioner will be at liberty to make a representation before respondent no. 2 namely, the Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna, limited to the issue of quantum of punishment. In



the event such a representation is filed, respondent no. 2, namely, the Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna, shall consider the same, afford an opportunity of hearing to all the stakeholders and pass an appropriate order in accordance with law.

7. With the aforesaid observation and direction, the present application stands disposed of.

8. Pending application (s), if any, shall also stand disposed of.

**(Sudhir Singh, J)**

**(Rajesh Kumar Verma, J)**

U.K./-

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