

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2763 of 2026

M/s Nawlesh Kumar a proprietorship firm, having its registered office at Refuge Colony, P.O- Munger, P.S.- Kotwali, District- Munger- 811201, through the proprietor, Nawlesh Kumar, Gender- Male, aged about 51years, Brij Nandan Singh, Resident of Refughi Colony, Husainpur, P.O- Munger, P.S- Kotwali, District- Munger- 811201.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Building Construction Dept, Government of Bihar, Patna.
2. The Bihar State Building Construction Corporation Limited, through its Managing Director, having its registered office at Hospital Road, Shastri Nagar, PS- Shastri Nagar, Patna- 800023.
3. The Chief General Manager, Bihar State Building Construction Corporation Limited, Hospital Road, Shastri Nagar, PS- Shastri Nagar, Patna 800023.
4. The General Manager, (South) at Bihar State Building Construction Corporation Limited, Hospital Road, Shastri Nagar, PS- Shastri Nagar, Patna 800023.
5. The General Manager, (Quality Control) at Bihar State Building Construction Corporation Limited, Hospital Road, Shastri Nagar, P.S- Shastri Nagar, Patna 800023.
6. The General Manager (Project), at Bihar State Building Construction Corporation Limited, Hospital Road, Shastri Nagar, PS- Shastri Nagar, Patna 800023.
7. The Deputy General Manager, Bihar State Building Construction Corporation Limited, Project Implementation Unit, Near Basanti Talab Purav Sarai, Munger.
8. The Chief Engineer (North), Building Construction Department, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kr. Srivastava, Advocate
For the State	:	Mr. Sunil Kr. Mandal, SC-3
		Mr. Arjun Mandal, AC to SC-3
For the BSBCCCL	:	Mr. Kumar Abhimanyu Pratap, Advocate
		Ms. Rushali, Advocate
		Ms. Sakshi Singh, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER



(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

5 20-07-2026 Heard learned counsel for the parties.

2. Following is the relief sought for in the present writ application:-

“i. For issuance of a writ in the nature of writ of certiorari or any other appropriate writ, order or direction for quashing/setting aside the Communication sent through email dated 06.01.2026 sent to the petitioner whereby the petitioner has been disqualified from the tender process in the ground of being ‘technically not qualified’.

ii. For any other relief/reliefs for which the petitioner is entitled under law as well as on facts.”

3. A counter affidavit has been filed on behalf of the State, wherein following statement has been made in Para-4:-

“4. That the present writ petition is misconceived, premature and not maintainable as the Petitioner has challenged the debarment order passed by the Bihar State Building Construction Corporation Ltd. (hereinafter as ‘BSBCCL’) vide Memo No. 1794 dated 03.05.2025 for which there lies an appeal provision under clause 11(gh) under Bihar Contractors Registration Rules, 2007 wherein the aggrieved contractor may file an appeal before the Commissioner and the Secretary within 30 days. Admittedly, no appeal has been filed against the aforesaid debarment order; therefore, this count alone the writ application is fit to be dismissed.”



4. Since the impugned debarment order is appealable under Clause 11(e) of the Bihar Contractor Registration Rules, 2007, this Court is not inclined to entertain the present writ application.

5. The petitioner shall be at liberty to avail the statutory remedy by preferring an appeal before the competent appellate authority within a period of 30 days from today.

6. In the event such an appeal is preferred, the appellate authority shall consider and decide the same on its own merit, in accordance with law, after affording due opportunity of hearing to all stakeholders and without being influenced by any observation made in this order.

7. With the aforesaid observations, the present writ application stands disposed of.

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

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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