

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3367 of 2026

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Umesh Kumar, Son of Sri Narayan Mahto, Resident of Village- Sarsaula
Khurd, P.O., P.S. and District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary of the Rural Works Department, Bihar, Old Secretariats, Patna- 800015.
2. The Chief Engineer, Rural Works Department of Bihar Govt. Old Secretariat, Patna - 800015.
3. Manoj Kumar, Son of Late Surya Deo Mahto, resident of Village- Sarsaula Khurd, P.O., P.S. and District- Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Madhubala Verma, Advocate Mr.Chitransh Raj, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA 11

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 13-03-2026 Heard learned counsel for the parties.

2. The following relief has been sought in the present writ application:

“(i) For quashing or setting aside the order dated 21.01.2026, which has been issued by the Rural Works Department of Bihar Govt. against the instant petitioner of this case, where this petitioner is a registered contractor vide Reg. No. 1220180.”

3. The brief facts of the present case are that the petitioner is a registered contractor, and had been awarded work



by the Rural Works Department. However, it was brought to the notice of the respondent department that the petitioner is a convict in a criminal case under Section 323 of I.P.C., and thus he could not participate in tender process as per the provisions of the Bihar Contractors Registration Rules, 2007. In view of the aforesaid fact, the respondent department, after following due procedure, passed the impugned order dated 22.01.2026, whereby the petitioner has been blacklisted for a period of two years.

4. Learned counsel for the petitioner submits that the petitioner has been convicted only for an offence under Section 323 of the I.P.C. (Sheohar P.S. Case No. 223/2014), which is a minor offence arising out of a family property dispute. It is further submitted that the petitioner has already preferred an appeal against the said conviction before the Principal District and Sessions Judge, Sheohar, which has been registered as Criminal Appeal No. 07 of 2025, and the same is pending consideration. Learned counsel for the petitioner further submits that since an appeal is pending consideration before the competent court, the respondent-department should have refrained from passing an order against the petitioner.

5. Learned counsel appearing for the State submits



that the impugned order has been passed strictly in accordance with the provisions of the Bihar Contractor Registration Rules, 2007. It is submitted that under Clause-11 (क)(X) and Clause-11 (ख)(ii) of the said Rules, the department is empowered to take action including blacklisting against a contractor who has been convicted in a criminal case.

6. Learned counsel for the State further submits that the order of conviction, and the sentence remains valid and operative unless it is set aside or suspended by the competent court of appeal. A filing of an appeal against the order of conviction and sentence, does not *ispo facto* make the order inoperative, unless there be specific order in terms of Section 389 of CrPC (Section 430 of B.N.S.S.). Therefore, the order impugned does not require interference by this court. Learned counsel further submits that the petitioner has not challenged the impugned order on ground of proportionality of punishment.

7. In light of the facts of the present case and the statutory framework, the issue that arises for consideration before this Court is that whether the blacklisting of the petitioner for a period of two years, solely on account of his conviction under Section 323 IPC arising out of a family



dispute, warrants interference in exercise of writ jurisdiction.

8. At the outset, this Court has examined the impugned order dated 21.02.2026, whereby the petitioner has been blacklisted for a period of two years. The operative portion of the impugned order reads as follows:

“उपरोक्त वर्णित तथ्यों के आलोक में विभागीय समीक्षोपरांत विद्वान न्यायिक दण्डाधिकारी, प्रथम श्रेणी द्वारा शिवहर थाना कांड संख्या-223/2014, दिनांक- 30.11.2014, जिला GR No.-797/2014 तथा ट्रायल नं.-340/2017 के मामले में दिनांक 23.10.2024 को पारित आदेश के तहत संवेदक उमेश कुमार (निबंधन संख्या-1220180) की संलिप्तता व्यक्ति होने के कारण बिहार ठेकेदार निबंधन नियमावली, 2007 की धारा 11 (क)(X) एवं 11 (ख)(ii) के आलोक में संवेदक उमेश कुमार (निबंधन संख्या-1220180) को अगले 02 (दो) वर्षों के लिए कालीसूची (Blacklist) किया जाता है।”

9. From a perusal of the impugned order, it appears that the competent authority has exercised its power under Clause-11 (क)(X) and Clause-11 (ख)(ii) of the Bihar Contractor Registration Rules, 2007, which empower the department to



take disciplinary action including blacklisting of a contractor in circumstances where the contractor is convicted in a criminal proceeding or his conduct is considered prejudicial to the interest of the department. The relevant rules reads as under:

“11. काली सूची तथा निलंबन :-

(क) व्यक्तिगत रूप से ठीकेदार या निबन्धित फर्म के किसी साझीदार या निजी लोक सीमित कम्पनी के किसी निदेशक या उनके तकनीकी कर्मचारी या उनके किसी प्राधिकृत प्रतिनिधि द्वारा निम्नलिखित में से किसी कदाचार के कारण ग्रामीण कार्य विभाग के किसी श्रेणी में निबन्धित ठीकेदार का नाम काली सूची में डाल दिया जा सकेगा अथवा निश्चित अवधि के लिये निलंबित किया जा सकेगा अथवा अपने श्रेणी से नीचे के श्रेणी में पदावनत (Demote) किया जा सकेगा :-

(i) xx xx xx

(ii) xx xx xx

(x) किसी अपराधिक गतिविधि में सजायफ्ता होने पर।

(ख) (i) xx xx xx

(ii) कंडिका 11 (क) में उल्लेखित किसी भी व्यक्ति के 11 (क) की (Vi) से (Xi) तक में वर्णित किसी भी कदाचार में सलिप्त पाये जाने पर संबंधित संवेदक को काली सूची में डाला जा सकेगा।”

10. A plain reading of the aforesaid provisions indicates that the Rules vest discretionary powers in the competent authority to blacklist a contractor upon the occurrence of the contingencies mentioned therein. The Rules, however, do not make any distinction between conviction for a



minor offence and conviction for a major offence, nor do they provide any exception enabling the authority to ignore conviction in respect of minor offences.

11. In the present case, it is not in dispute that the petitioner was prosecuted in Sheohar P.S. Case No. 223 of 2014 and was ultimately convicted under Section 323 of the Indian Penal Code. The materials placed on record further indicate that the criminal case arose out of a dispute relating to family, the informant being a co-villager and a coparcener of the petitioner.

12. Considering the discussions made above, it appears that the impugned order has been passed by the competent authority in exercise of the powers conferred under Clause-11 (क)(X) and Clause-11 (ख)(ii) of the Bihar Contractor Registration Rules, 2007. As discussed above, the said Rules empower the department to take disciplinary action including blacklisting of a contractor who has been found guilty in a criminal proceeding.

13. In the facts of the present case, although the conviction recorded against the petitioner pertains to a minor offence under Section 323 IPC, arising out of a family dispute relating to property, yet the fact remains that the petitioner has been convicted in a criminal proceeding. Once such conviction



exists, and when the governing Rules do not carve out any exception with regard to the nature or gravity of the offence, this Court would find it difficult, in exercise of its writ jurisdiction, to interfere with the order passed by the competent authority strictly in terms of the Rules.

14. Hence, this Court does not find any infirmity in the exercise of power by the competent authority so as to warrant interference with the impugned order dated 22.01.2026, as contained in Annexure P/6 to the present writ application.

15. At this juncture, learned counsel for the petitioner submits that the order of conviction (dated 23.10.2024 arising out of Sheohar P.S. Case No. 223/2014) is having severe civil consequence, i.e., blacklisting for a period of two years under the Bihar Contractors Registration Rules. However, the petitioner has been only convicted in a minor offence arising out of family property dispute. Therefore, it would be suffice that the learned Appellate Court is directed to dispose the appeal on merits at the earliest. The said Criminal Appeal No. 07 of 2025, challenging the judgment of conviction is presently pending before the Principal District & Sessions Judge, Sheohar.

16. Considering the submission that the conviction relates to a minor offence, i.e., Section 323 of I.P.C., and only a



pecuniary sentence has been awarded, this Court deems it appropriate to direct the Principal District & Sessions Judge, Sheohar to dispose of Criminal Appeal No. 07 of 2025 expeditiously, in accordance with law on its own merits, preferably within a period of three months from the date of receipt or production of a copy of this order.

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

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

(Sudhir Singh, J)

(Sunil Dutta Mishra, J)

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