

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4359 of 2026

Rohit Ranjan son of Jainendra Kumar, Moriya Vihar Colony Transport Nagar,
B.H Colony, P.O and P.S-Agamkuan, District-Patna Bihar. (Bid I.D-142525).

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary (ACS), Rural Works Department, Government of Bihar, Patna.
2. The Additional Chief Secretary (ACS), 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-1, Rural Works Department, Bihar, Patna.
6. The Superintending Engineer, Work Division Nalanda, Rural Works Department, Government of Bihar, Patna.
7. The Executive Engineer, Work Division Hilsa, Rural Works Department, Bihar, Patna.
8. The Nodal Officer, MMGSY, Rural Works Department, Bihar, Patna.
9. The Technical Bid Evaluation Committee, in relation to Package No. MMGSY (Awesh - GEN) HILSA-342 (Tender ID-144895) in connection with NIT No. RWD/MMGSY (AWSESH- GEN)/HQ/ET/2025-26/12 dt. 09.09.2025 represented through Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Sr. Adv. Mr. Sumit Kumar Jha, Adv. Mrs. Riya Giri, Adv.
For the State	:	Mr. Raghwanand, GA-11 Mr. Pratik Kumar, AC to GA-11

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

3 31-03-2026 Heard learned counsel for the parties.

2. Following are the reliefs sought in the present writ
application :



"i) To issue a writ/order/ direction in the nature of certiorari to set aside the office order contained in Memo No.94 dt. 13.02.2026 issued under the signature of superintending Engineer, Rural Works Department, work division, Nalanda by which the Superintending engineer recommended for cancelling the work order issued in the favour of the petitioner and for seizure of performance guarantee submitted by the petitioner in relation to package no. MMGSY (Awesh- GEN) HILSA-342 (Tender ID- 144895).

ii) To issue a writ/order/direction in the nature of certiorari to set aside the office order contained in order No.19 dt. 14.02.2026 issued under the signature of Chief Engineer-1, Rural Works Department, Patna by which the Chief engineer -1 cancelled the work order issued in the favour of the petitioner vide memo no. 2285 dt. 18.12.2025 in light of recommendation of the Superintending engineer dt. 13.02.2026. package no. MMGSY (Awesh - GEN) HILSA-342 (Tender ID-144895)

iii) To issue a writ/order/ direction in the nature of certiorari to set aside the office order contained in Memo No.387 dt. 16.02.2026 issued under the signature of executive engineer, Rural Works Department, work division, Hilsa by which the Respondent executive engineer has recommended the Nodal officer, MMGSY Rural work department Patna to re-tender the package bearing package no. MMGSY (Awesh GEN) HILSA-342

iv) To issue a writ/order/ direction in the nature of mandamus directing the respondent authorities to allow the petitioner to enter into the agreement in relation to MMGSY (Awesh GEN) HILSA-342 (Tender ID-144895) which has been awarded in favour of the petitioner through LOA as contained in memo no.2702 dt. 23.12.2025.

v) To issue a writ/order/ direction in the nature of mandamus directing the respondent authorities to allow the petitioner to start the work of construction of road which have been awarded to the petitioner through LOA as contained in memo no. 2702 dt. 23.12.2025.



vi) To pass interim /exparte interim direction to restrain the respondents from retendering the work/ package bearing package no. MMGSY (Awesh - GEN) HILSA-342 (Tender ID-144895) and / or staying the operation of impugned order of cancellation of work order dated 14.02.2026 during pendency of this writ petition.

vii) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case."

3. A limited issue arises for consideration before this Court, namely, whether the cancellation of the work order on account of delay in furnishing the performance bank guarantee is justified, particularly in the facts of the present case, where the performance bank guarantee has subsequently been furnished and still retained by the respondents.

4. It is not in dispute that the work order came to be cancelled *vide* order dated 14.02.2026 (Annexure-P/9) on the ground that the performance bank guarantee was not submitted within the stipulated period.

5. Mr. Ashish Giri, learned senior counsel appearing on behalf of the petitioner, submits that although the Letter of Acceptance (LoA) was issued on 23.12.2025, but it came to be received on 04.01.2026. The petitioner, on account of being diagnosed with typhoid and being under medical advice for complete bed rest, could not furnish the performance bank guarantee within the stipulated period of 15 days. It is further submitted that the petitioner has since furnished the bank



guarantees on 18.02.2026 and 26.02.2026 (Annexure-P/7), which have been accepted by the respondents. The petitioner also undertakes to complete the work within the prescribed time without seeking any extension.

6. Mr. Raghwanand, learned counsel for the State, upon query of this Court, submits that no fresh tender has been floated till date in respect of the work in question.

7. Considering the explanation offered for the delay by the petitioner, and the acceptance of the performance bank guarantee by the respondent-department, as also the information made by the respondent that no fresh tender has been floated, and the undertaking of the petitioner that the work would be completed within stipulated time frame, this Court is of the view that the impugned order dated 14.02.2026 (Annexure-P/9) seems inappropriate, arbitrary and not to be in public interest, and is accordingly set aside.

8. The writ application, accordingly, stands allowed.

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

(Sudhir Singh, J)

(Shailendra Singh, J)

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