

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5036 of 2026

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J. Kumar Construction and Services Pvt. Ltd. Having its Registered Office at Flat No. 201, Hari Palace, Judges Colony, Saguna More, Bailey Road, Patna, Bihar represented through its Managing Director, Jitendra Kumar, Male, aged about 49 years, Son of Ramnath Singh, Resident of Road No. 3, lane No. 08, Budhlal Bhagat Gali, Chotiki Delha, P.S. Gaya Town, District- Gaya, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer In-Chief Cum Registering Authority, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer - 2, Rural Works Department, Government of Bihar, Patna.
4. The Executive Engineer, rural Works Department, Works Division Imamganj, District Gaya, Bihar.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Prabhat Ranjan, Advocate
For the Respondents : Mr. Amish Kumar, AC to AG

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

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 08-04-2026 Heard learned counsel for the parties.

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

"(i) Quashing of the Order bearing Memo No. 12301 dated 08.12.2025 (Annexure P/5), by which the Engineer In-Chief Cum Registering Authority has blacklisted the Registration of the petitioner bearing No. 1230199 for a period of 2-years, in terms of Clause 11 (Ka) (ix) and Clause 11 (Kha) (ii) of the Bihar Contractors



Registration Rules, 2007 treating the allegation regarding submission of false Experience Certificate along with the bid as proved;

(ii) Quashing of the Order dated 06.02.2026 (Annexure P/7) by which the Departmental Secretary Cum Appellate Authority has rejected the Appeal filed by the petitioner against the blacklisting order and has affirmed the order of blacklisting for a period of 2-years as contained in Memo No. 12301 dated 08.12.2025 passed by Engineer In-Chief Cum Registering Authority; and

(iii) Restraining the Respondent from taking any coercive action(s) or giving effect to the order of blacklisting as contained in Memo No. 12301 dated 08.12.2025 (Annexure P/5) and the consequential order rejecting the Appeal dated 06.02.2026 (Annexure P/7) during the pendency of the present writ application and/or the without the leave of this Hon'ble Court."

3. Learned counsel for the petitioner submits that the Appellate Authority, while passing the order dated 06.02.2026 (Annexure P/7), has failed to appreciate on the aspect of punishment, inasmuch as, on similar facts in the case of other similarly situated persons, the order of punishment has been reduced to two to three months. It is further submitted that the punishment imposed upon the petitioner is disproportionate to the charge levelled against him. The petitioner has also relied



upon the order dated 30.03.2026 passed in CWJC No.4578 of 2026 by this Court, which has been brought on record as 'Annexure P/15' to the supplementary affidavit.

4. Learned counsel for the respondents submits that no reply was filed by the petitioner to the show cause notice and, as such, the authorities were left with no option but to pass the final order dated 08.12.2025.

5. Having considered the submissions advanced by the parties and upon perusal of the materials on record, this Court finds that the issue involved is confined to the aspect of proportionality of punishment and parity with similarly situated cases. In such circumstances, it would be appropriate that the matter is reconsidered by the Appellate Authority on this limited ground.

6. Accordingly, the order dated 06.02.2026 (Annexure P/7) is set aside and the matter is remitted back to the Appellate Authority for fresh consideration. The Appellate Authority may also take into consideration the judgment rendered in ***Lucknow Kshetriya Gramin Bank & Anr. Vs. Rajendra Singh***, reported in ***(2013) 12 SCC 372*** on the aspect of proportionality of punishment, and thereafter pass a reasoned and speaking order in accordance with law, after affording due opportunity of



hearing to all the stakeholders, preferably within a period of four weeks from the date of receipt/production of a copy of this order.

7. With the aforesaid observations and directions, the present writ application stands allowed.

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

(Sudhir Singh, J.)

(Shailendra Singh, J.)

Gaurav Kumar/-

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