IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1313 of 2026

In

Civil Writ Jurisdiction Case No.16000 of 2025

CNR No. BRHC010474062026

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Md. Makbul Alam S/o Late Mehruddin, resident of Ward No. 12, Ruidhasa, P.O.-Ruidhasa Chhaital, P.S.-Thakurganj, District-Kishanganj.

... ... Petitioner/s

Versus

1. The State of Bihar through Mr. Divesh Sehara son of not known, the Secretary, Rural Works Department, Govt. of Bihar, Vishwaswraiya Bhawan, Baily Road, Patna.
2. Mr. Pankaj Kumar Pal, son of not known, the Secretary, Road Construction Department, Govt. of Bihar, Vishwaswraiya Bhawan, Baily Road, Patna.
3. Mr. Jai Kishore Thakur, son of not known, Engineer in Chief cum Additional Commissioner cum Special Secretary, Rural Works Department, Govt. of Bihar, Vishwaswraiya Bhawan, Baily Road, Patna.
4. Mr. Anil Kumar Sinha, son of not known, Engineer in Chief cum Additional Commissioner cum Special Secretary, Road Construction Department, Govt. of Bihar, Vishwaswraiya Bhawan, Baily Road, Patna.
5. Mr. Varun Kumar, son of not known, The Engineer in Chief, Rural Works Department, Govt. of Bihar, Vishwaswraiya Bhawan, Baily Road, Patna.
6. Mr. Sudhir Kumar, son of not known, The Chief Engineer-4, Purnea Region, Rural Works Department, Govt. of Bihar.
7. Mr. Sanjay Kumar, son of not know, The Superintending Engineer, Rural Works Department, Govt. of Bihar, Work Circle-Kishanganj, District-Kishanganj, Govt. of Bihar.
8. Mr. Parvez Alam, son of not known, The Superintending Engineer, Rural Works Department, Govt. of Bihar, Work Circle-Purnea, District-Purnea, Govt. of Bihar.
9. Mr. Vidyabhushan, son of not known, The Executive Engineer, Rural Works Department, Works Division Kishanganj-1, District-Kishanganj, Govt. of Bihar.
10. Mr. Rakesh Kumar, son of not known, The Executive Engineer, Rural Works Department, Works Division-Baisi, District-Purnea, Govt. of Bihar.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sourav Suman, Advocate.

For the Opposite Party/s : Mr.Raghwanand, AAG-14
Mr. Prabhat Kumar, AC to AAG-14
Mr. Shubham, Advocate.

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

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

10 29-10-2026 Heard learned counsel for the parties.

2. The present contempt application has been filed alleging non-compliance with the order dated 09.10.2025 passed in CWJC No. 16000 of 2025, which came to be disposed of by observing as follows:-

> *"In the light of the aforementioned principles, the respondents have not adhered to the principles while ordering blacklisting. Accordingly, the petitioner has made out a case so as to interfere with the orders dated 23.08.2025 (Letter No. 02- 15/25, 2297), 27.08.2025 (Letter No. 4515-01-966/2025, 3028) and dated 27.08.2025 (Memo No. 4515-01-966/2025, 3082), order dated 27.08.2025 (Letter No. 2435) and order dated 29.08.2025 (Letter No. 2047), hence, they are set aside.*
>
> *4. The matter is remanded to the concerned authority to pass a fresh order, after providing opportunity of hearing to the petitioner and to proceed to pass a reasoned and speaking order. The concerned authority is hereby directed to take note of the principles laid down by the Hon'ble Supreme Court in the aforementioned decision and pass orders within three months from today.*

3. This Court, vide order dated 11.09.2026, passed the following order and directions:

> *"5. From perusal of the show-cause filed on behalf of Opposite Party Nos. 3 to 10, it appears that no such opportunity of hearing was afforded to the petitioner before passing the order dated 04.05.2026.*
> *6. In view of the aforesaid facts and circumstances, the Opposite Parties are directed to pass a fresh*

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order in terms of the order dated 09.10.2025 passed in CWJC No. 16000 of 2025, after affording an effective opportunity of personal hearing to the petitioner. The personal hearing shall be afforded to the petitioner on 28.09.2026, who shall appear before the Engineerin-Chief-cum-Additional Commissioner-cum-Special Secretary, Rural Works Department, Government of Bihar (Opposite Party No.3), on the said date."

4. In compliance with the aforesaid directions, a supplementary show cause has been filed on behalf of Opposite Party No. 9, wherein following statements have been made in para-6 to 9:

"6. That it is further submitted that in the light of the corrigendum letter bearing memo no. 5628 (E) dated 22.08.2025 issued under the signature of the Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Rural Works Department, Bihar, Patna the Engineer-in-Chief, Rural Works Department, Bihar, Patna vide his letter 1631 dated 29.04.2026 directed the Executive Engineer, Rural Works Department Works Division, Kishanganj-l to terminate the Agreement No.-26 CMBD/MGYS/2025-26 executed witt the petitioner.

7. That in compliance of the aforesaid direction the Executive Engineer, Rural Works Department, Works Division, Kishanganj-1 vide his letter bearing memo no. 924 dated 30.04.2026 terminated the Agreement No. 26 CMBD/MGSY/2025-26 with respect to Tender ID. 140582.

8. That it is further submitted that opposite parties will refund the EMD amount deposited by the petitioner with respect to Tender ID-140582 as well as, the petitioner will be paid amount against the work done (Approx 15% of agreement value) with specification under Agreement No. 26 CMBD/MGSY/2025-26 in accordance with law.

9. That in view of the facts and circumstances stated hereinabove it is very humbly submitted that the Agreement No. 26 CMBD/MGSY/2025-26 has

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already been terminated by the competent authority strictly in accordance with law and the payment against the work done (Approx 15% of agreement value) by the petitioner with specification would be made to the petitioner in accordance with law."

5. In view of the aforesaid, this Court is of the view that no further order is required to be passed in the present contempt application as the order under contempt has already been complied with.

6. Accordingly, the present contempt application stands disposed of.

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

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Sujit/-

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