

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9386 of 2026

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Kundan Kumar Son of Devendra Singh, R/o Village- Kashahar Tole
Kopgadha, Ward No. 10 near Hanuman Mandir, Post- Kushahar, P.S- Taryani,
District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
4. The Chief Engineer, Public Health Engineering Department, Govt. of Bihar Patna.
5. The Zonal Chief Engineer, Public Health Engineering Zone, Muzaffarpur.
6. The Superintending Engineer, Public Health Engineering Circle, Darbhanga.
7. The Executive Engineer, Public Health, Division, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Siyaram Pandey, Adv.
For the Respondent/s : Mr.Alok Ranjan, APP.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE RAJ KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

2 09-07-2026 Heard the learned counsel for the parties.

2. The present writ petition has been filed seeking the
following reliefs:-

*(I) “Writ of Certiorari for
quashing/setting aside the Office Order
No.04 dated 03-01-2026 as contained in
Memo No. 10 dated-03.01.2026 issued by
the office of the Executive Engineer,*



Public Health Engineering Division, Darbhanga by which the petitioner is debarred from taking part in any fresh tender due to not depositing the electricity bill in the agreement no.SBD-20/2019-20 in an arbitrary and whimsical manner as the authority has not made payment of the admitted dues of the cost of O & M, S D and EMD even after expiry of the period of the agreement so that the petitioner would make payment of electricity bill and instead of making payment the authorities has debarred the petitioner in wrong manner not sustainable in the eye of law.

(ii) And/or be pleased to issue a writ in the nature of writ of mandamus or an appropriate writ/writs, order/orders or direction/directions commanding the respondents to make payment of the admitted dues of the work done by the petitioner as well as the cost of O&M, F.D. and E.M.D with statutory as well as penal interest of the agreement no. SBD 20/year 2019-20 of Loam Panchayat, Block Darbhanga Sadar in the district of Darbhanga as the time of O&M is also ended till 04-10-2024.



(iii) And/or be pleased to direct the authorities to make payment of the amount of Security Deposit (SD) deducted from MB and Earnest money Deposits (EMD) with statutory as well as penal interest which is required to be paid to the petitioner by the respondents authorities forthwith because the time of O & M period is ended on 04-10-2024 and the department is withholding the money in an unauthorized manner and debarred the petitioner in a wrong manner.”

3. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 03.01.2026 passed by the Executive Engineer, Public Health Engineering Division, Darbhanga by filing appropriate appeal under Rule 11(e) of the Bihar Registration of Contract Rules (Rural Works Department), 2007 before the Secretary Public Health Department, Government of Bihar, Patna.

4. Liberty so sought is granted.

5. It is needless to state that if appropriate appeal is filed within a period of two weeks' from today, the Appellate Authority shall consider the same on merits without being impeded by the issue of limitation and pass a reasoned and a speaking order within a period of three weeks, thereafter.



6. Accordingly, the present writ petition stands disposed
of on the aforesaid terms.

(Mohit Kumar Shah, J)

(Raj Kumar, J)

Nirmal/AKV

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