

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15189 of 2025**

=====

Soni Jha W/o Sri Mrityunjay Jha, R/o Kabilpur, Rampur Madan, PS  
Laheriyasara, PS Bahadurpur, Dist. Darbhanga 84600, Adhar 262761976028,  
Mob 8789090226.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban housing and development Department, Bihar, Vikas Bhawan, Bailey Road, Patna 1. urbansec-bih@nic.in
2. The District Magistrate, Darbhanga. dm-darbhanga.bih@nic.in
3. The Minicipal Commissioner, Darbhanga Nagar Nigam, Darbhnaga. E  
darbhanga.ulb@gmail.com ddc-darbhanga.bih@nic.in  
adm.darbhanga@gmail.com
4. The Executing Engineer, Nagar Vikas Division cum Darbhanga Nagar Nigam, Darbhanga.
5. The Assistant Engineer, Nagar Vikas Division cum Darbhanga Nagar Nigam, Darbhanga.

... .. Respondent/s

=====

**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Sanjay Jha, Advocate      |
| For the Respondent/s | : | Mr. Standing Counsel-28       |
| For the DMC          | : | Mr. Bindhyachal Rai, Advocate |

=====

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

**(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)**

5      12-02-2026                      Heard learned counsel for the parties.

2. The present writ application has been filed for the  
following reliefs:-

*“i. For quash the order letter No.1316 dt-  
26.04.2025 by which the petitioner is debarred to  
participate in any tender and restore the work order  
no-858 dt-09.03.24 which is only due to delay of  
work agreement by the petitioner because*



*petitioner's Sasur(Old Father In Law) became PATIENT of Cancer and hospitalized in Medanta Hospital at Patna.*

*ii. For direction to the respondents to execute the agreement of awarded / allotted work to the petitioner vide work order no-858 dt-09.03.2024.*

*iii. For Further restraining the respondents to retender for the same work at high rate to settle the tender to choice bidder under hidden agenda only for undue advantages.*

*iv. For granting any other relief/s for which the petitioner be found entitled in the eye of law.”*

3. The brief facts of the case are that the respondents issued tender for construction of a road and *Nala* in Ward no-41 and another *Nala* and Link Road construction work in Bakarganj Muhalla in Darbhanga district. The petitioner was found qualified, and was awarded work for the same. The respondents invited the petitioner to execute the work agreement and deposit the security amount *vide* letters dated 12.08.2024 and 16.12.2024. However, the petitioner could not deposit the security amount and execute the agreement. It has been alleged that the respondents knowingly passed the impugned order debarring the petitioner, cancelling the work order and forfeiting the security amount *vide* Letter No. 1316 dated 26.04.2025 in a hot-haste manner, without giving sufficient opportunity to the



petitioner to submit his reply. Being aggrieved by the said order, the present writ petition has been preferred before this Court.

4. Learned Counsel for the petitioner submits that the petitioner could not deposit the security deposit and could not execute the agreement because petitioner's father-in-law became cancer patient and was hospitalized. It was further submitted that the impugned action of the respondent authority in debarring the petitioner and cancelling the work order is in violation of Principles of Natural Justice as respondents have not given sufficient opportunity to petitioner to reply.

5. Learned counsels for the respondent submit that sufficient opportunity was afforded to the petitioner to respond, but no compliance was made on the part of petitioner which reflects his unwillingness to perform, and therefore, the action taken by the respondent authority is justified and reasonable.

6. The limited question that arises for consideration is, whether, in the facts and circumstances of the present case, any interference is warranted by this Court, in exercise of its writ jurisdiction.

7. The impugned order dated 26.04.2025, whereby the petitioner was debarred and the work order was canceled is reproduced hereinbelow:



Annexure -14 / पत्रांक :- 1316 / दिनांक :- 26.04.25 / पत्रांक 3754 (15)

**दरभंगा नगर निगम, दरभंगा**

पत्रांक :- 1316 दिनांक :- 26.4.25

प्रति :- श्रीमती सोनी झा, संवेदिका  
पिता-श्री गुरुजय कुमार झा  
ग्राम-कविलापुर, पोस्ट-लहेरियासराय,  
ब्लॉक-बहादुरपुर, जिला-दरभंगा।

विषय :- निविदा अर्जाज सूचना सं० :-13/2023-24, प्रावकन सं०-173/2023-24 के योजना का नाम- वार्ड नं०-41 मुहल्ला-जी०एम०गंज भारती होल्ड केयर से लेकर प्रमोद साकुर के घर तक नाला एवं पीएससीसी सड़क निर्माण कार्य। मुहल्ला-बाकरगंज में रणो दुर्गा भव्वा के घर से सूर्या चौक तक नाला एवं सड़क निर्माण कार्य एवं लिंक पथ। का आवंटन पत्रांक 858 दिनांक 09.03.24 को रद्द करने इस योजना में जमा जमाना की राशि जमा करने तथा अधि में दरभंगा नगर निगम द्वारा आयोजित निविदा में भाग लेने से वंचित करने के संबंध में।

महोदय,

आपको इस कार्यालय के पत्रांक 858 दिनांक 09.03.24 द्वारा योजना का नाम- वार्ड नं०-41 मुहल्ला-जी०एम०गंज भारती होल्ड केयर से लेकर प्रमोद साकुर के घर तक नाला एवं पीएससीसी सड़क निर्माण कार्य। मुहल्ला-बाकरगंज में रणो दुर्गा भव्वा के घर से सूर्या चौक तक नाला एवं सड़क निर्माण कार्य एवं लिंक पथ कार्य आवंटन पत्र से अनुसार पत्र प्रार्थि के एक पक्षपात के अंतर बाधित अधि में राशि एवं एकाग्रनाम समर्पित करने का आदेश दिया गया था।

आपके द्वारा सस्मय एकरावनाक समर्पित नहीं किया गया एवं कार्यालय पत्रांक 3754 दिनांक 16.12.24 द्वारा कृपि सूचना दी गई कि आप पत्र प्रार्थि के तीन दिनों के अंतर बाधित जमाना की राशि एकरावनाक समर्पित जन दे अन्यथा यह मानते हुए कि आप इस कार्य को करने हेतु इच्छुक नहीं है आपको द्वारा इस योजना में जमा अधि की राशि जमा कर दी जाएगी तथा अधि में नगर निगम के किसी भी निविदा में आपको भाग लेने से वंचित कर दिया जाएगा।

आपके द्वारा अभी तक बाधित जमाना की राशि एवं एकरावनाक जमा नहीं किया गया है ना ही कार्यालय पत्रांक 2309010200 दिनांक 14.06.24, पत्रांक 323(C) दिनांक 12.08.24 एवं पत्रांक 3754 दिनांक 16.12.24 के आदेशों में किसी प्रकार की सूचना दी गई है। कभी जमा समय पूरत गया है। इससे यह स्पष्ट होता है कि आपको इस कार्य को करने में कोई रुचि नहीं है तथा आपके कारण इस लोकप्रयोगी योजना का लाभ आमजनों को नहीं मिल पा रहा है।

अतः कार्य रित में सम्पक विधायकता यह निर्णय लिया जाता है कि आपके द्वारा इस योजना में जमा जमाना की राशि जमा करने हेतु आपको आवंटन रद्द किया जात है फलतः आपको इस कार्यालय के पत्रांक 858 दिनांक 09.03.24 द्वारा निर्णय कार्य आवंटन रद्द माना जाता है। साथ ही आपको दरभंगा नगर निगम द्वारा अधि में आयोजित होने वाले निविदा में भाग लेने से वंचित किया जाता है।

सहायक अभियंता  
नगर विकास प्रमंडल, दरभंगा  
-राह-

कार्यालय अभियंता  
नगर विकास प्रमंडल, दरभंगा  
-राह-

नगर आयुक्त  
दरभंगा नगर निगम, दरभंगा  
-राह-

दरभंगा नगर निगम, दरभंगा  
पत्रांक :- 1316 दिनांक :- 26.4.25

प्रतिरिति :- सहायक कनीय अभियंता, सहायक नगर अभियंता/सहायक अभियंता, जे०एम०गंज को सूचनाएं एवं अनुपालनाथ प्रेषित।

नगर आयुक्त  
दरभंगा नगर निगम, दरभंगा

पत्रांक :- 1316 दिनांक :- 26.4.25

प्रतिरिति :- संबंधित वार्ड के माननीय वार्ड सार्व/माननीय उप महापौर एवं माननीय महापौर को सादर

8. A counter affidavit has been filed on behalf of respondent Nos. 3, 4 and 5, the relevant paragraphs of which are extracted hereinbelow:

“4. That the brief history of the case is that the instant Writ application has been filed for quashing the order Letter No. 1316 dated 26.04.2025 by which the petitioner is debarred to



*participate in any tender and restore the work order No. 858 dated 09.03.2024 which is only due to delay of work agreement by the petitioner because petitioner's Sasur (Old Father in-law) became patient of Cancer and hospitalised in Medanta Hospital at Patna.*

*5. That it is humbly submitted that the concerned record transpires the fact that pursuant to the published tender notice as well as after adopting the due process, the petitioner has been found qualified and accordingly, the authority concerned, the Municipal Commissioner, Darbhanga Nagar Nigam, Darbhanga vide Letter No. 858 dated 09.03.2024(Annexure-P/2 of the Writ Petition) has approached to the petitioner with a direction to submit agreement in the concerned Office within 15 days (EK PAKHWARA) so that work order would be given. It is pertinent to mention here that the material direction given to the petitioner contained in Letter No.858 dated 09.03.2024 is as follows -*

*"आपने निविदा के साथ 41,100/- रुपया जमा किया है, शेषराशि 1,24,064/- रुपया जमानत के रूप में आपको जमा करना है एवं एकरारनामा भी किया जाना है। विविदा सूचना के अनुसार एकरारनामा के समय लेवर लाइसेंस की छायाप्रति उपलब्ध कराना अनिवार्य है।*

*अतः आदेश दिया जाता है कि जमानत की शेष राशि बैंक गारंटी जो नगर आयुक्त, दरभंगा नगर निगम, दरभंगा के नाम से प्रतिज्ञत प्लेस किया गया है। अथवा खाता संख्या- 994301201 इंडियन बैंक, दरभंगा आई एफ० एस० सी० कोड - आईडीआईबी 000 डी 025*



ऑनलाईन के माध्यम से पेमेंट के साथ एक पखवाड़ा के अंदर एकरारनामा कार्यर्यालय को समर्पित करें ताकि कायादिश निर्गत किया जा सके। निधारित अवधि के अंदर एकरारनामा वांछित जमानत के राशि के साथ जमा नहीं करने पर कार्य का आवंटन रद्द पर निविदा के साथ जमा जमानत के राशि जप्त कर लि जा सकती है। इसकी सुचना अलग से नहीं दी जायेगी ।”

6. *That it is humbly submitted that the concerned record also transpires the fact that the direction contained in Letter No. 858 dated 09.03.2024 is well within the knowledge of the petitioner but the petitioner has not taken proper response into the matter and accordingly, the authority concerned, the Executive Engineer, Darbhanga Nagar Nigam, Darbhanga vide Letter No. 239 dated 14.06.2024 and its reminder Letter No. 323(B) dated 12.08.2024 has made request to do needful into the matter but the petitioner has not taken proper response into the matter.*

7. *It is further humbly submitted that seeing the nature and circumstances of the case, the authority concerned, the Municipal Commissioner, Darbhanga Nagar Nigam, Darbhanga with a view to provide reasonable opportunity to the petitioner, has issued direction vide Letter No. 3735 dated 14.12.2024 (Annexure-P/3 of the writ petition) to the petitioner to submit the concerned Agreement but the petitioner once again has not taken proper response into the matter and accordingly, finding the fact of unwillingness to perform the act into the matter, the authority concerned, the Municipal Commissioner, Darbhanga Nagar Nigam,*



*Darbhanga vide Letter No. 1316 dated 26.04.2025 has passed an order against which the petitioner has filed the present writ application before your Lordship.”*

9. Upon perusal of the impugned order, averments made in the counter affidavit, and materials available on record, it is apparent that despite issuance of several reminders and communications by the respondent authority, the petitioner failed to comply with the directions contained therein. A considerable period has elapsed since issuance of the said communications, yet there has been complete inaction on the part of the petitioner. Such continued non-compliance, even after sufficient notice and opportunity, clearly indicates absence of genuine interest in carrying out the allotted work.

10. Further, no material has been placed on record to demonstrate that the impugned action suffers from illegality, arbitrariness, or *mala fides*. This Court is, therefore, of the view that the issue before us is required to be answered in the negative. Consequently, we find no merit in the present writ application and the impugned action, having been taken after due notice and opportunity, warrants no interference.

11. Accordingly, the present writ application stands



dismissed.

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

**(Sudhir Singh, J)**

**(Rajesh Kumar Verma, J)**

Anushka/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

