

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15991 of 2025

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Md Shafique Alam, Son of Late Md. Fazlur Rahman, residing at Dhanpur,
Post- Kanhaiyabari, P.S.- Kochadhaman, Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Engineer-in-Chief cum Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Public Health Engineering Department, Purnea, Bihar.
4. The Superintending Engineer, Public Health Engineering Department, Purnea.
5. The Executive Engineer, Public Health Engineering Department, Kishanganj Division.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Natesh Dikshit, Advocate.
Mr. Shruti Singh, Advocate.
Mr. Utkarsh Pathak, Advocate.

For the Respondent/s : Mr. Advocate General

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

5 15-05-2026 Heard the learned counsel for the parties.

2. The present Writ Petition has been filed for the
following relief:-

“(i) For issuance of an appropriate writ in the nature of Certiorari for quashing and setting aside the impugned office order bearing no.16 bearing memo no.900 dated 13.09.2025 (Annexure P/5), issued by the Respondent no. 5 whereby the Agreement dated 08.09.2025 bearing Group no.04, SBD-01/2025-26 executed with the



Petitioner following the tender awarded, has been cancelled and annulled.

(ii) For issuance of an appropriate writ, order or direction in the nature of Certiorari, for quashing and setting aside the impugned Notice / Letter dated 12.09.2025 (Annexure-P/6 series) issued by the impugned Departmental Tender Committee, whereby the tender already awarded to the Petitioner has been cancelled, despite the fact that the agreement had been executed and the Petitioner had already commenced the work.

(iii) For holding and declaring that the Agreement executed with the Petitioner pursuant to LOA via Letter No.751 dated 23.08.2025 is valid, subsisting and binding upon the Respondents.

iv. For issuance of an appropriate writ, order or direction in the nature of Certiorari quashing and setting aside fresh Notice Inviting Tender Tender bearing No.08/(Retender-2) 2024-25 (SBFe) dated 15.09.2025 (and all consequential communications/notifications issued pursuant thereto) (Annexure-P/7) insofar as the same seeks to re-open, re-tender or re-allocate works covered by NIT No.08/2024-25 (SBFe) and the Agreement dated 08.09.2025 executed between the Petitioner and the Respondents.”

3. Learned counsel appearing on behalf of the petitioner submits that a Division Bench of this Hon’ble Court in CWJC No. 15495 of 2025 dated 19.03.2026 under similar circumstances has set aside the impugned orders dated



13.09.2025 and 12.09.2025 (Annexures P/5 series and P/6 series). Learned counsel further submits that the Division Bench has followed the judgment of the Hon'ble Supreme Court in ***Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan*** reported in ***(2010) 9 SCC 496*** while passing the said order. Learned counsel submits that the petitioner is also similarly placed and the authorities based on the complaint filed by an unsuccessful bidder, namely, Aman Anand has issued the impugned orders. Learned counsel, therefore, seeks parity with the order passed by this Hon'ble Court in CWJC 15495 of 2025 dated 19.03.2026.

4. Learned counsel appearing on behalf of the Respondent-State fairly submits that the order passed by the Division Bench of this Hon'ble Court in the above mentioned CWJC is squarely applicable to the facts of the present case and prays this Hon'ble Court to pass suitable orders.

5. The Hon'ble Supreme Court in the case of ***Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan*** reported in ***(2010) 9 SCC 496*** has held as under:-

“47. Summarizing the above discussion, this Court holds:

(a) *In India the judicial trend has always been to record reasons,*



even in administrative decisions, if such decisions affect anyone prejudicially.

(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

(e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.

(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

(g) Reasons facilitate the process of judicial review by superior courts.

(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.



(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or “rubber-stamp reasons” is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor [(1987) 100 Harvard Law Review 731-37] .)

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain [(1994) 19 EHRR 553] EHRR, at 562 para 29 and Anya v. University of Oxford [2001 EWCA Civ 405 (CA)] , wherein the Court referred to Article 6 of the European Convention of Human Rights which requires,

“adequate and intelligent reasons must be given for judicial decisions”.

(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence



and is virtually a part of “due process.”

6. Thereafter, a Division Bench of this Hon’ble Court in CWJC No. 15495 of 2025 dated 19.03.2026 (***Avian infrastructure and Energy Pvt Ltd. v. The State of Bihar and Ors.***) has held as under:

“13. This Court also finds substance in the submission advanced on behalf of the petitioner that the persons whose bids were allegedly rejected during the tender process have not chosen to assail the same before any forum. It is not the case of the respondents that any of such unsuccessful bidders have questioned the tender process or the award of contract in favour of the petitioner. In such circumstances, the initiation of action solely on the basis of a complaint made by a third party, who neither participated in the tender process nor had any direct grievance arising therefrom, assumes significance.

14. This Court is of the considered view that while the authorities are not precluded from examining complaints, especially in public matters, the same cannot form the sole basis for taking drastic action of cancelling a concluded tender and annulling subsisting agreements, particularly when the persons directly affected by the alleged irregularities have themselves not raised any challenge. Such action, in absence of independent application of mind, cogent reasons and adherence to due process, partakes the character of arbitrariness.”

7. Having regard to the above mentioned facts and



circumstances and also duly taking note of the fact that in this particular case also the authorities have issued the impugned orders solely on the basis of a complaint made by an unsuccessful bidder that to without issuing any show-cause notice to the petitioner or calling for an explanation, the impugned order passed by the authority have to be held as illegal, bad, arbitrary and contrary to the principles of natural justice and equity.

8. Having regard to the above, the present writ petition stands allowed and the office order dated 13.09.2025 passed by the Respondent No. 5 herein (Annexure-P/5) and the Notice/letter dated 12.09.2025 (Annexure-P/6 series) and the fresh Notice Inviting Tender bearing No. 08/ (Retender-2) 2024-25 (SBFe) (Annexure-P/7) dated 15.09.2025 (and all consequential communication/ notifications issued pursuant thereto) are all accordingly set aside. The petitioner shall be allowed to execute the work in terms of the LOA *vide* Letter No. 751 dated 23.08.2025.

9. With the above directions, the present writ petition is allowed to the extent indicated.

(A. Abhishek Reddy, J)

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