

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1016 of 2025

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Kundan Kumar Son of Shri Madan Singh Resident of Village- Manjhopur,
Parauna, Police Station- Tareya, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Municipal Corporation Chapra, through its Commissioner, Saran at Chapra.
3. The Commissioner, Chapra Municipal Corporation.
4. The Executive Engineer, Urban Development Division-1, Saran, Chapra.
5. The Assistant Engineer, Urban Development Division-1, Saran, Chapra.
6. The Junior Engineer, Urban Development Division-1, Saran, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Tewary, Advocate Mr. Subhash Kumar, Advocate Ms. Akansha Varma, Advocate
For the State	:	Mr. Arvind Kumar, Advocate
For the Municipal Corp.	:	Ms. Indu Bhushan, Advocate

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

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

9 04-05-2026 Heard learned counsel for the parties.

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

*“i. For issuance of writ in the nature of
certiorari for quashing the letter No. 2010 dated
23.08.2024 issued by Commissioner, Municipal*



Corporation, Chapra whereby and whereunder petitioner has been declared black listed for any contractual work/ participate in Tender work in future for indefinite period.

ii. For issuance of an appropriate writ for commanding and directing the respondent to allow the petitioner to perform the contractual work according to agreement executed by the respondent No. 4 with petitioner.

iii. For issuance of any other relief/reliefs which may deems fit and proper to the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the impugned order suffers from a fundamental legal infirmity, inasmuch as it directs blacklisting of the petitioner for an indefinite period. It is submitted that such an order is ex facie arbitrary and unsustainable in law. Reliance is placed upon the judgment of the Hon’ble Supreme Court in **Kulja Industries Limited v. Chief General Manager, Western Telecom Project BSNL & Ors.**, reported in **(2014) 14 SCC 731**, wherein it has been categorically held that an order of blacklisting must be for a specified and reasonable period, and that imposition of an indefinite or perpetual ban is impermissible and violative of principles of fairness and proportionality.

4. It is noteworthy that the aforesaid contention of the petitioner, with regard to the imposition of blacklisting for an



indefinite period, has not been disputed by the learned counsel appearing on behalf of the respondents.

5. Furthermore, upon a specific query made by this Court as to the statutory provision or rule under which such indefinite blacklisting could be justified, the learned counsel for the respondents were unable to point out any enabling provision or legal basis authorizing the same. This further reinforces the position that the impugned action lacks statutory backing and is legally untenable.

6. In view of the aforesaid facts and circumstances, and taking into consideration the settled position of law as laid down by the Hon'ble Supreme Court in **Kulja Industries Limited** (supra), the impugned order dated 23.08.2024 cannot be sustained and is accordingly set aside.

7. The matter is remitted back to the competent authority to pass a fresh, reasoned order strictly in accordance with law, after affording due opportunity to the petitioner, and keeping in mind the principles governing blacklisting, including proportionality and the requirement of specifying a definite period, as enunciated in the aforesaid judgment.

8. With the aforesaid observation and direction, the present writ application stands allowed.



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

(Sudhir Singh, J)

(Shailendra Singh, J)

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