

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19321 of 2025

M/s R D Entrepreneur a proprietorship firm having its place of business at Dahlan House, Dahlan Chowk, Saharsa through its proprietor namely Neelam Dahlan female aged about 58 years wife of Shri Shambhu Kumar Dahlan, resident of Dahlan House, Dahlan Chowk, Saharsa, Bihar-852201.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Disaster Management, Government of Bihar, Patna.
3. The Secretary, Department of Disaster Management, Government of Bihar, Patna.
4. The District Magistrate cum Collector, Gopalganj.
5. The Additional District Magistrate, Disaster Management Section, Gopalganj.
6. The Nazarat Deputy Collector, Nazarat Section, Gopalganj.
7. The State Disaster Management Authority Through its Secretary, Department of Disaster Management, Bihar, Patna.
8. The Assistant District Disaster Management Officer, Disaster Management Section, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Sinha, Advocate Ms. Ruchi Dahlan, Advocate
For the State	:	Mr. P. K. Verma, AAG-3 Mr. Saroj Kumar Sharma, AC to AAG-3

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

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

6 07-04-2026 Heard learned counsel for the parties.

2. The following reliefs have been sought in the



present writ application:

"(a) a) For issuance of a writ in the nature of certiorari for quashing of the order communicated vide letter bearing memo no. 729/Aa. Pr. dated 04.08.2025 issued by the respondent District Magistrate Gopalganj whereby the petitioner has been blacklisted for a period of 3 years and the name of the petitioner has been recommended to the disaster management department, government of Bihar for debarment of the petitioner at state level without any prior show cause notice served upon the petitioner; b) For further restraining the respondents from depriving the petitioner or in any manner affecting the participation of the petitioner in any of the tenders invited by any Government department of the state of Bihar and any of the corporation or company etc in light of the impugned order communicated vide letter bearing memo no. 729/Aa. Pr. dated 04.08.2025 as the same is illegal, arbitrary and violative of principles of natural justice; c) For holding and a declaration that the impugned office order blacklisting the petitioner for a period of 3 years from the date of its issuance suffers from the error of violation of principles of natural justice for being non-speaking, disproportionate and mechanical and as such fit to be quashed and set aside by this honourable court; d) For grant of any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case."

3. Learned counsel for the petitioner submits that the order dated 04.08.2025, whereby the petitioner's firm has been blacklisted for a period of three years, has been passed without



issuance of any show-cause notice and is therefore, in violation of the principles of natural justice. It is further submitted that the reply submitted by the petitioner was not duly considered by the authority concerned prior to passing the impugned order. It is submitted that the impugned order is vague and non-speaking, merely stating that certain items were not as per requirement, without specifying as to which items were deficient or in what manner they failed to meet the prescribed specification. Therefore, it is submitted that the impugned order appears to have been passed without proper application of mind.

4. The petitioner has also brought on record Memo No.- 439 dated 05.08.2024 (Annexure-P/4). The relevant extract of the same reads as follows:

"अतः S.D.R.F. टीम के जाँच प्रतिवेदन के आलोक में जो सामग्री सही है उसका विपत्र भुगतान हेतु कार्यालय में समर्पित करें तथा जो सामग्री जाँच प्रतिवेदन में सही नहीं है उसे बदलकर गुणवत्तापूर्ण सामग्रियों को यथाशीघ्र उपलब्ध कराये, ताकि भुगतान की कार्रवाई की जा सके।"

5. Upon perusal of materials available on record, it appears that, in compliance with the aforesaid memo dated 05.08.2024, the petitioner submitted bills with respect to the items which were duly accepted by the respondent authorities. It is also evident that the respondent authorities have issued an



order for payment of the admitted amount, as contained in Annexure- E to the 2nd supplementary counter affidavit filed on behalf of the District Magistrate, Gopalganj. The relevant extract of the letter dated 23.03.2026 reads as follows:

"अतः अनुरोध है कि विषयांकित मद में 604652.00 (छह लाख चार हजार छः सौ बावन) रुपये मात्र उपलब्ध कराने की कृपा की जाय, ताकि माननीय उच्च न्यायालय के आदेश पारित होने पर उसका अनुपालन किया जा सके।"

6. In view of the aforesaid, this Court expects that the respondent authorities shall take all necessary steps for making payment of the admitted amount, as contained in Annexure- E to the 2nd supplementary counter affidavit, within a period of eight weeks from today.

7. So far as the order of the blacklisting is concerned, if so advised, the petitioner may prefer an appeal before the Divisional Commissioner within a period of 30 days from today.

8. In the event such an appeal is preferred, the Divisional Commissioner shall consider the grievance of the petitioner in accordance with law and after affording adequate opportunity of hearing to all the stakeholders, shall pass a reasoned order preferably within a period of six weeks from the date of filing of such appeal.



9. With the aforesaid observations and directions, the present writ application stands disposed of.

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

(Sudhir Singh, J)

(Shailendra Singh, J)

Rajiv/Sujit

U			
---	--	--	--

