

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.571 of 2026

Rishav Utilities Services Pvt. Ltd. having its Registered Office at Lane No. 1, behind Vijay Petrol Pump, Maharana Pratap Nagar, Bhikhanpura, Ram Dayalu, P.S. Sadar, Muzaffarpur, 842001 through its Managing Director, Neeraj Kumar, aged about 42 years, Male, son of Sri Sunil Sanjeev, resident of Lane No. 1, behind Vijay Petrol Pump, Maharana Pratap Nagar, Bhikhanpura, Ram Dayalu, P.S. Sadar, Dist- Muzaffarpur, 842001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
3. The Engineer in Chief cum Additional Commissioner cum Special Secretary, Rural Works Department, Government of Bihar, Patna.
4. Jai Kishore Thakur, Son of Not Known to the petitioner, at present posted as Engineer In-Chief, Rural Works Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. P.K. Shahi, AG

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 24-03-2026

Heard learned counsel for the parties.

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

“(i) Quashing of the Order bearing Memo No. 12396 dated 10.12.2025 (Annexure-P/22) by which, the Engineer In-Chief, without considering the Reply/Objection filed by the petitioner and without furnishing the relied upon documents has proceeded to Blacklist the



petitioner for a period of 2-years under Clause 11 of the Bihar Contractors Registration Rule, 2007; and

(ii) Restraining the Respondents from giving effect to the ex parte Order of Blacklisting as contained in Memo No. 12396 dated 10.12.2025 during the pendency of the present writ application and/or the without the leave of this Hon'ble Court."

3. The brief facts of the case are that the petitioner had participated in the tenders floated by the respondent-department. The said tenders were – Notice Inviting Tender bearing NIT No. RRSMP-01/2025-26 dated 11.06.2025 and NIT No. RRSMP-04/2025-26 dated 27.05.2025. The petitioner was initially declared technically successful, and was awarded work order in NIT No. RRSMP-04/2025-26, and was declared L-1 in NIT No. RRSMP-01/2025-26. However, upon receiving an objection, the respondent-department scrutinized the bids of the petitioner, and found that the petitioner had submitted forged/fake payment certificate in the said tenders.

4. Learned counsel for the petitioner submits that the impugned order, dated 10.12.2025 has been passed without supplying the relied upon document and without affording an effective opportunity of hearing, thereby violating the principles of natural justice. Reliance has also been placed upon the judgment of the Hon'ble Supreme Court in ***State Bank of India***



and Others v. Rajesh Agarwal and Others, reported in **(2023) 6**

SCC 1. Paragraph 80 of the said decision, being relevant for the present purpose, is reproduced hereinbelow for reference:-

80. Audi alteram partem has several facets, including the service of a notice to any person against whom a prejudicial order may be passed and providing an opportunity to explain the evidence collected. In Tulsiram Patel, this Court explained the wide amplitude of audi alteram partem :

*“96. The rule of natural justice with which we are concerned in these appeals and writ petitions, namely, the audi alteram partem rule, in its fullest amplitude means that a person against whom an order to his prejudice may be passed should be informed of the allegations and charges against him, be given an opportunity of submitting his explanation thereto, have the right to know the evidence, both oral or documentary, by which the matter is proposed to be decided against him, and to inspect the documents which are relied upon for the purpose of being used against him, to have the witnesses who are to give evidence against him examined in his presence and have the right to cross-examine them, and to lead his own evidence, both oral and documentary, in his defence. The process of a fair hearing need not, however, conform to the judicial process in a court of law, because judicial adjudication of causes involves a number of technical rules of procedure and evidence which are unnecessary and not required for the purpose of a fair hearing within the meaning of *audi alteram partem* rule in a quasi-judicial or administrative inquiry.” (emphasis supplied)*

5. Learned counsel for the State submits that the



during execution of Tender Id No. 141673 and 142021 corresponding to Notice Inviting Tender bearing NIT No. RRSMP-01/2025-26 dated 11.06.2025 and NIT No. RRSMP-04/2025-26 dated 27.05.2025 under Work Division, Majhau Bakhari, the petitioner submitted forged/fake payment certificate in the said tenders. Learned counsel further submits that based on such submission the impugned action of blacklisting was done under the relevant provisions of the Bihar Contractor Registration Rules, 2007 published vide Notification No. 8123 dated 19.12.2007. It is further submitted that the forged document has been brought on record by way of counter affidavit filed on behalf of the State, which is marked as Annexure-R1/A.

6. *Per contra*, learned counsel for the petitioner submits that the allegedly forged payment certificate, which has been brought on record, does not bear the petitioner's signature or that of his authorized agent, which is evident from perusal of the said document.

7. Upon perusal of the materials on record, it transpires that the petitioner has challenged Memo No. 12396 dated 10.12.2025 (Annexure-P/22), whereby the Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna



has blacklisted the petitioner for a period of two years on the allegation that a forged/fake payment certificate was uploaded along with the tender document.

8. It further appears that prior to passing of the impugned order, a show cause notice was issued to the petitioner proposing blacklisting on the aforesaid ground. The said show cause notice was earlier challenged in CWJC No. 20144 of 2025, which came to be disposed of as infructuous in view of the subsequent passing of the order dated 10.12.2025.

9. In response to the show cause notice, the petitioner submitted a reply dated 01.12.2025 (Annexure-P/21), denying the allegations and specifically asked for a copy of the said forged document, and any proof of submission of such document.

10. The document in question has been brought on record by way of counter affidavit filed on behalf of the State, which is marked as Annexure-R1/A. Upon perusal thereof, it *prima facie* appears that the said document does not bear the signature of the petitioner or his authorised agent. Further, the respondents have been unable to show before this Court that the said copy was supplied to the petitioner before passing of the impugned order dated 10.12.2025.



11. Having considered the submissions advanced and materials available on record, this Court finds that the petitioner was not furnished with the document forming the very basis of the allegation prior to passing of the impugned order. The requirement of a fair hearing necessarily includes disclosure of the material sought to be relied upon against a person.

12. At this juncture, it is pertinent to take note of the judgment rendered by the Hon'ble Supreme Court in ***Kulja Industries Ltd. v. Western Telecom Project BSNL*** reported in ***(2014) 14 SCC 731***, relevant portion of which is reproduced as under:-

“17. A fair hearing to the party being blacklisted thus becomes an essential precondition for a proper exercise of the power and a valid order of blacklisting made pursuant thereto....”

13. Further in ***Krishna Mohan Medical College and Hospital v. Union of India*** reported in ***(2017) 15 SCC 719***, the Hon'ble Supreme Court explained the significance of fair hearing in administrative proceedings. The relevant paragraph is reproduced as under:-

“20.Reasonable opportunity of hearing which is synonymous to “fair hearing”, it is no longer res integra, is an important



ingredient of audi alteram partem rule and embraces almost every facet of fair procedure. The rule of “fair hearing” requires that the affected party should be given an opportunity to meet the case against him effectively and the right to fair hearing takes within its fold a just decision supplemented by reasons and rationale. Reasonable opportunity of hearing or right to “fair hearing” casts a steadfast and sacrosanct obligation on the adjudicator to ensure fairness in procedure and action, so much so that any remiss or dereliction in connection therewith would be at the pain of invalidation of the decision eventually taken. Every executive authority empowered to take an administrative action having the potential of visiting any person with civil consequences must take care to ensure that justice is not only done but also manifestly appears to have been done.”

14. In view of the fact that fair opportunity of hearing has not been granted to the petitioner, the documents which formed basis of the impugned order of blacklisting were never supplied to him, and taking note of decisions of Hon’ble Apex Court mentioned above, the impugned order of blacklisting dated 10.12.2025 as contained in Memo No. 12396 is hereby set aside.

15. The matter is remitted back to the competent authority, who shall pass an appropriate order in accordance



with law after affording due opportunity of hearing to all the stakeholders, and if necessary, granting personal hearing.

16. With the aforesaid observations and direction, the present writ application stands disposed of.

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

(Sudhir Singh, J)

(Shailendra Singh, J)

Anushka/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	30.03.2026
Transmission Date	

