IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (C) No. 6867 of 2026

Shambhu Sharan Sudhanshu, aged about 47 years, Son of Late Jai Kishun Prasad, Resident of Kailash Nagar, P.O & P.S-Chas, District-Bokaro. ... Petitioner

Versus

1. The State of Jharkhand.
2. The Secretary, Building Construction Department, Jharkhand, P.O & P.S & District-Ranchi.
3.The Engineer-in-Chief cum-Registration Officer, Building Construction Department, Jharkhand, P.O & P.S & District-Ranchi.
4.The Executive Engineer, Building Construction Department, Building Division, P.O & P.S & District-Bokaro, Jharkhand.

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner: Mr Sunil Singh, Advocate
For the Respondents: Mr Manish Mishra, G.P-V

03/Dated: 14.09.2026

1. Heard the learned counsel for the parties.

2. Rule. The Rule is made returnable immediately, at the request of, and with the consent of, the learned counsel for the parties.

3. The petitioner challenges the order dated 12.06.2026, by which the petitioner has been blacklisted/debarred from participating in Government tenders until further orders.

4. The record shows that the petitioner was served with a show cause notice dated 02.06.2026 giving the petitioner an opportunity to file its response within seven days. However, the petitioner received this notice dated 02.06.2026 only on 12.06.2026; therefore, the seven-day period would expire on 19.06.2026. The counter affidavit filed by the Respondents does neither dispute the fact that the Petitioner received the

show cause notice only on 12.06.2026 nor suggest any alternate date of receipt.

5. On 12.06.2026, the petitioner received the show cause notice dated 02.06.2026 and filed a response on 13.06.2026. However, before the petitioner's response could be considered, the impugned blacklisting/debarment order was passed on 12.06.2026.

6. Mr Manish Mishra, learned G.P.-V, however, has submitted that before the show cause notice dated 02.06.2026, another show cause notice dated 06.05.2026 had already been served on the petitioner. He further submitted that the petitioner had not filed any response to that notice. He therefore submitted that the show cause notice dated 02.06.2026 was, in fact, redundant but was issued as a matter of abundant caution.

7. Regarding the show cause notice dated 06.05.2026, the petitioner has specifically averred that he did not receive it. In the counter-affidavit, the respondents have not produced any proof of service of the notice dated 06.05.2026. Therefore, the argument based on the notice dated 06.05.2026 cannot hold.

8. In any event, if, out of abundant caution, the respondents granted the petitioner a fresh opportunity to submit a response within seven days, they should have waited for the expiry of that seven-day period. Further, this seven-day period had to be counted from the date of service of the notice dated 02.06.2026, i.e. from 12.06.2026 and not earlier. It is well

settled that principles of natural justice must be followed before any harsh action, such as debarment or blacklisting, is taken.

9. Therefore, passing the impugned order of debarring or blacklisting the petitioner without providing him with a reasonable opportunity to show cause warrants interference. The impugned order dated 12.06.2026 is liable to be and is hereby quashed on the ground of failure of natural justice.

10. Further, there is yet another reason warranting interference with the impugned order dated 12.06.2026. The impugned order purports to debar the petitioner “until further orders”. Such debarment/blacklisting is therefore for some indefinite or indeterminate period.

11. In ***Kulja Industries Limited Vs. Chief General Manager, Western Telecom Project Bharat Sanchar Nigam Limited & Ors., [(2014) 14 SCC 731],*** the Hon’ble Supreme Court held that “debarment” can never be permanent, and the period of debarment would invariably depend on the nature of the offence committed by the erring contractor.

12. Following the decision in ***Kulja Industries Limited*** (supra), this Court, in ***Samanta Security Intelligence Services Private Ltd. Vs. The State of Jharkhand & Ors.*** in W.P.(C) No. 5432 of 2026, decided on 30.07.2026, held that debarment or blacklisting cannot be for an indefinite or indeterminate period. This is, therefore, yet another ground to quash the impugned order.

13. Therefore, on the above two grounds, we quash and set aside the impugned order dated 12.06.2026. However, we grant the respondents liberty to decide the matter afresh based on the petitioner's reply dated 13.06.2026. If the petitioner wishes to file any further reply, the petitioner should do so within precisely a week from today, i.e. on or before 21st September 2026 without seeking any extension.

14. We clarify that we have not adverted to the merits and demerits of the matter and therefore, all contentions of all parties on such merits and demerits are specifically kept open.

15. The Rule is made absolute in the above terms and the above liberty. No order for costs.

16. Interlocutory applications, if any, will not survive and are disposed of.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

14.09.2026

A.F.R.

APK/VK

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