

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10311 of 2025

M/s Harendra Construction through its Proprietor Harendra Prasad Yadav, Male, aged about- 38 years, S/o Ramesh Prasad Yadav, R/o Tilakpura, Post-Amahra, P.S- Naubatpur, District- Patna, Bihar- 801118 and having office at Tilakpura, Post- Amahra, P.S.- Naubatpur, District- Patna, Bihar- 801118.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Chief Engineer, Patna, Building Construction Department, Patna.
4. The Superintending Engineer, Patna, Building Construction Department, Patna.
5. Rajesh Kumar R/o 33/96, C/o K.P. Singh, Lalji Tola, CDA Building Phulwari, Patna - 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Aryan Sinha, Advocate Mr. Puneet Siddhartha, Advocate Mr. Amit Kumar Singh, Advocate
For the Respondent/s	:	Government Advocate (09) Mr. Sourav Suman, Advocate Ms. Pragati Patra, Advocate Mr. Pranav Raj, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-10-2025

In the instant writ petition, petitioner has prayed for the following reliefs :

*“(A) A writ in the nature of Certiorari
or any other appropriate writ/s, order/s,
direction/s quashing the following :*



(i) Order dated 06.06.2025 containing under the Memo No. 1448 by way of which the Petitioner has been declared as unsuccessful candidate in the Technical BID after finding the Petitioner non-responsive in connection with Notice Inviting Tender No. 22/2024-25 issued for Construction of New Panchayat Sarkar Bhawan (Civil + Electrical Work) at Bindaul Panchayat in Bihita Block Patna for the year 2024 – 25 and further it has been ordered to take appropriate legal action against the Petitioner under Bihar Registration of Contractor Rules (Rural Work Department), 2007.

(B) A writ in the nature of mandamus or any other appropriate writ/s, order/s direction/s for the following reliefs :

(i) To restrain the Respondent Authorities from giving effect to the impugned Order dated 06.06.2025 containing under the Memo No. 1448 till the pendency of the Writ Petition.

(ii) To restrain the Respondent Authorities from opening of Financial Bid in connection with Notice Inviting Tender No. 22/2024-25 issued for Construction of New Panchayat Sarkar Bhawan (Civil + Electrical Work) at Bindaul Panchayat in Bihita Block Patna for the year 2024 – 25 till the pendency of the Writ Petition.

(iii) To restrain the Respondents from taking any further steps in connection with Notice Inviting Tender No. 22/2024-25 issued for



Construction of New Panchayat Sarkar Bhawan (Civil + Electrical Work) at Bindaul Panchayat in Bihita Block Patna for the year 2024-25 till pendency of the instant case.

(C) To any other relief/s to which the petitioner is found entitled to.”

2. On 04.09.2025, we have passed the following order :

“Re : I.A. No. 1 of 2025

Heard I.A. No. 1 of 2025.

2. For the reasons stated in the application read with the affidavit, petitioner has assailed the work order issued to the proposed respondent No. 5 – Rajesh Kumar. He is necessary and proper party insofar as challenge to the work order, therefore, I.A. No. 1 of 2025 is allowed.

3. Learned counsel for the petitioner is hereby directed to carry out necessary amendment in the cause title while adding additional respondent No. 5 – Rajesh Kumar.

4. Issue notice to respondent No. 5 – Rajesh Kumar. Petitioner to remit necessary requisites under both processes, i.e. ordinary as well as registered post with A/D, for which requisites must be filed within a period of one week.

5. Re-list this matter on 25.09.2025.

6. In the meanwhile, State has to apprise this Court whether the impugned action of the respondents is speaking order after due consideration of show cause notice read with reply or not?”

3. Today, learned counsel for the State is not in a position to apprise whether Annexure - P/8 is after due



consideration of show cause notice dated 01.04.2025 read with reply dated 02.04.2025. It is learnt that fresh show cause notice is stated to have been issued. In the light of these facts and circumstances, the petitioner has made out a case so as to interfere with the impugned action/order of the respondents dated 06.06.2025. Accordingly, it is set aside. Writ petition stands allowed.

4. The concerned authority is hereby directed to undertake fresh steps insofar as action to be taken. The petitioner shall co-operate in submitting a detailed reply to the show cause notice in the event of issuing fresh show cause notice. The above exercise shall be completed within a period of three months.

5. Pending I.A., if any, stands disposed of.

6. Petitioner is at liberty to assail the work order stated to have been issued to the 5th respondent – *Rajesh Kumar*, in accordance with law.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	13.10.2025
Transmission Date	

