IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15785 of 2025

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Anil Kumar, Male, aged about 44 years, Son of Late Dwarika Singh Resident of Village Dhangai Tola P S Bikramganj District Rohtas Bihar

... ... Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Health, Government of Bihar,Patna
2. The Bihar Medical Services and Insfrastructure Corporation Limited (A Govt. of Bihar Undertaking), having its Registered Office at 2nd and 3rd Floor, Swasthya Bhawan, Behind IGIMS, Sheikhpura, Patna through its Managing Director.
3. The Managing Director, the Bihar Medical Services and Infrastructure Corporation Limited, (A Government of Bihar undertaking) having its Registered Office at 2nd and 3rd Floor, Swasthya Bhawan, Behind IGIMS, Sheikhpura, Patna.
4. The Chief General Manager, the Bihar Medical Services and Infrastructure Corporation Limited, (A Government of Bihar undertaking) having its Registered Office at 2nd and 3rd Floor, Swasthya Bhawan, Behind IGIMS, Sheikhpura, Patna
5. The Deputy General Manager (Project) cum Accepting Authority, the Bihar Medical Services and Infrastructure Corporation Limited (A Government of Bihar undertaking) having its Registered Office at 2nd and 3rd Floor, Swasthya Bhawan, Behind IGIMS, Sheikhpura, Patna.
6. The Deputy General Manager (Project) cum Engineer in Chief, Bihar Medical Services and Infrastructure Corporation Limited (A Government of Bihar undertaking), Regional Office, Darbhanga/Madhubani, Bihar

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate
		Mr. Ansh Prasad, Advocate
For the State	:	Mr. Ravish Chandra, AC to SC 11
For the BMSICL	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Vikash Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-09-2025

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In the instant writ petition, petitioner has prayed for the following relief(s):

> *"(I) Quashing of the exparte order of debarment contained in Letter No. 669 dated 29.02.2024 by which, the Deputy General Manager (Project) without issuing any Show Cause Notice and without any jurisdiction has proceeded to debar the petitioner from participating in any future contract till the work allotted to the petitioner is not been completed; and*
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> *(II) Restraining the Respondents from giving effect to and proceeding further in connection with exparte order of debarment as contained in Letter No. 669 dated 29.02.2024 during the pendency of the present writ application and/or without the leave of this Hon'ble Court."*

2. Perusal of Annexure - P/6 dated 29.02.2024, it is crystal clear that the petitioner has not been heard in the form of issuance of show cause notice and receipt of reply. Impugned decision has a civil consequences on the petitioner. Therefore, petitioner is entitled to show cause notice and other formalities before passing any adverse order. In the light of these facts and circumstances, the petitioner has made out a case so as to interfere with the communication dated 29.02.2024 (Annexure - P/6) and it is set aside.

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3. Respondents are at liberty to initiate a fresh proceeding by issuing show cause notice and seeking petitioner's explanation. On receipt of petitioner's explanation, proceed to pass a detailed and speaking order after due consideration of each of the contention to be raised against the show cause notice. The above exercise shall be completed within a period of four months from the date of receipt of this order.

4. Accordingly, writ petition stands allowed.

5. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	25.09.2025
Transmission Date	

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