

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15849 of 2025

Viveka Kumar, aged about 40 years, male, Son of Sri Anil Kumar Singh, Resident of Village- Pipra (Chhatna), P.O. and P.S- Parsa Bazar, District- Patna, Pin Code- 804453.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Engineer (Planning and Monitoring and Underground), Minor Water Resources Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Headquarter, Minor Water Resources Department, Government of Bihar, Patna.
3. The Managing Director, Bihar Urban Infrastructure Development Corporation Ltd., Near Rajapur Pul, West Boring Canal Road, Patna-800001.
4. The Chief Engineer, Design Planning and Monitoring, Urban Development and Housing Department, Bihar, Patna.
5. The Divisional Officer, Nagar Vikas Parmandal-1 Sub-Division, Biharsharif.
6. The Engineer-in-Charge, Renovation/Beautification of Lalo Pound, Under Biharsharif Nagar Nigam, Nalanda, Bihar.
7. The Engineer-in-Charge of Renovation/Beautification of Singgarhat Pound, Under Biharsharif Nagar Nigam, Nalanda, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate
Mr. Madhuresh Singh, Advocate
For the Respondent/s : Advocate General

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

Date : 24-09-2025

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

“i) For issuance of appropriate writ, order or direction specially in the nature of certiorari for



quashing the order as contained in Memo No. 3339 dated 21.10.2021, issued by the Chief Engineer, Headquarter, Water Resources Department, Govt. of Bihar, Patna, whereby and where-under petitioner's registration of contract license/Registration No. 17/2020 (First class) has illegally been black listed for ten years.

ii) For issuance of appropriate writ, order or direction specially in the nature of Mandamus, commanding the Respondent authorities to return the earnest money deposited by the petitioner for performance of contract work.

iii) Any other relief or reliefs to which the petitioner may be found entitled in the facts and circumstances of this case."

3. Perusal of the blacklisting order, it is crystal clear that it is not a speaking or reasoned order so as to affirm. Respondents are exercising *quasi judicial* function insofar as blacklisting Contractors. In such an event, they are bound to follow the certain principles laid down by the Hon'ble Supreme Court in paragraph-40 in the case of ***ORYX Fisheries Private Limited Versus Union of India and Others***, reported in (2010) 13 **Supreme Court Cases 427**. Paragraph-40 reads as under:

"40. In Kranti Associates [(2010) 9 SCC 496 : (2010) 3 SCC (Civ) 852] this Court after considering various judgments formulated certain principles in



*SCC para 47 of the judgment which are set out below
: (SCC pp. 510-12)*

“(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

(e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.

(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

(g) Reasons facilitate the process of judicial review by superior courts.



(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or 'rubber-stamp reasons' is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the



judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor(1987) 100 Harv. L. Rev. 731-37.)

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain [(1994) 19 EHRR 553] , EHRR at p. 562, para 29 and Anya v. University of Oxford [2001 EWCA Civ 405 : 2001 ICR 847 (CA)] , wherein the Court referred to Article 6 of the European Convention of Human Rights which requires, 'adequate and intelligent reasons must be given for judicial decisions'.

(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of 'due process'."

In the light of the aforementioned principles, the respondents have not adhered to the principles while ordering blacklisting. Accordingly, the petitioner has made out a case so as to interfere with the blacklisting order dated 21.10.2021 (Annexure-P/11 to the writ petition), it is set aside.



4. The matter is remanded to the concerned authority to pass a fresh order, after providing opportunity of hearing to the petitioner and to proceed to pass a reasoned and speaking order. The concerned authority is hereby directed to take note of the principles laid down by the Hon'ble Supreme Court in the aforementioned decision and pass orders within three months from today.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

GAURAV S./-

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