

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.425 of 2026**

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Rina Singh wife of Sachidanand Singh, resident of village and Post Sonbarsa,  
P.S.- Obara, District Aurangabad (Bihar).

... .. 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 Chief Engineer- 2, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Gaya, Bihar.
5. The Executive Engineer, Rural Works Department, Works Division, Gaya, Bihar.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate

For the Respondent/s : Mr. Advocate General

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

**and**

**HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)**

**Date : 11-03-2026**

Heard learned counsel for the parties.

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

*"(i) Quashing of the Notice to Show Cause as contained in Letter No. 9411 dated 01.09.2025 (Annexure P/4) by which the Engineer In-Chief has required the petitioner to submit Reply within 15 days against the contemplated action of blacklisting under Bihar Contractors Registration Rules, 2007 for the*



- allegation of submission of false document(s) in the tender process corresponding to Tender ID 140471;*
- (ii) *Quashing of the Order dated 18.09.2025 as contained in Memo No. 10038 (Annexure P/6) by which the Engineer in Chief cum Registering Authority travelling beyond the contents of the Show Cause Notice, taking fresh and uncommunicated adverse materials and without considering the Reply filed by the petitioner has blacklisted the firm for a period of 2-years under Bihar Contractors Registration Rules, 2007;*
- (iii) *Quashing of the Order in Appeal as contained in Memo No. 12629 dated 16.12.2025 (Annexure P/8) by which, the Departmental Secretary Cum Appellate Authority without assigning any reason, travelling beyond the scope of appeal and the order under challenge and ignoring the earlier order passed in connection with the Appeals against the order of blacklisting on the same charges, proceeded to dismiss the appeal and issued another ancillary direction(s) to the detriment of the petitioner; and*
- (iv) *Restraining the Respondents from giving effect to and taking any coercive action in connection with Order of Blacklisting dated 18.09.2025 as contained in Memo No. 10038 and the directions in Appellate Order as contained in Memo No. 12629 dated 16.12.2025 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 NIT No. RWD/MGSY/HQ/ET/05/2024-25 dated 08.04.2025, issued by the Engineer In-Chief for various Construction and Maintenance Works under MGSY



corresponding to Tender ID No. 140417. The petitioner's bid was declared non-responsive under Clause 4.4 A (c) and 4.7 (i) of the CMBD on the ground that a false certificate relating to experience in similar nature of work had been uploaded. Consequently, the entire tender process was cancelled.

4. Learned counsel for the petitioner has challenged the order dated 18.09.2025 passed by the Engineer- in-Chief as well as the order dated 12.12.2025 passed by the appellate authority. The challenge to the order of the appellate authority is on two grounds. Firstly, it is submitted that due to an inadvertent mistake on the part of the petitioner, a wrong document was uploaded, which the petitioner himself had admitted before the authority concerned; however, the penalty of blacklisting for a period of two years is disproportionate to the act alleged. Secondly, it is submitted that the appellate authority has exceeded its jurisdiction while cancelling the Letter of Acceptance in respect of NIT No. 142157.

The relevant part of the appellate order is as follows:-

"वर्णित तथ्यों एवं साक्ष्यों के आधार पर निदेश दिया जाता है कि कार्यपालक अभियंता ग्रामीण कार्य विभाग, कार्य प्रमंडल, गया का पत्रांक 2722 दिनांक 18.09.2025 द्वारा संवेदक के पक्ष में निर्गत कार्यादेश (Letter of Acceptance) को निरस्त करते हुए अग्रतर कार्रवाई किया जाय।"

5. The subject-matter of the appeal was confined only



to Tender No. 140471. However, the appellate authority while passing the impugned order, proceeded to cancel the Letter of Acceptance in respect of Tender No. 142157, which was not the subject-matter of the appeal. Thus, the appellate authority has clearly exceeded its jurisdiction.

6. In view of the above, order dated 12.12.2025 issued vide Memo No. 12629 dated 16.12.2025 is set aside and the matter is remitted back to the appellate authority to reconsider the case of the petitioner on the grounds referred to hereinabove.

7. With the aforesaid observation and direction, the present application stands disposed of. The appellate authority shall consider and dispose of the matter at the earliest, preferably within a period of eight weeks from the date of filing of any application for reconsideration by the petitioner.

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

**(Sudhir Singh, J)**

**(Sunil Dutta Mishra, J)**

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	13.03.2026
Transmission Date	

