

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19292 of 2025

Ashish Anand Son of Shyam Kumar Resident of Ward No.-10, Ashram Road,
Near Girls High School, Post- Araria, P.S.- Araria, District- Araria, Bihar-
854311.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Managing Director, Bihar State of Educational Infrastructure Development Corporation Ltd. (BSEIDC), Siksha Bhawan, Patna.
3. The Chief Engineer, Bihar State of Educational Infrastructure Development Corporation Ltd. (BSEIDC), Siksha Bhawan, Patna.
4. The Executive Engineer, BSEIDC, Purnea Division, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Anuj Kumar, Advocate
For BSEIDC	:	Ms. Anukriti Jaipuriyar, Advocate
For the State	:	Smt. Binita Singh, S.C.-28

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 06-08-2026

Heard learned counsel for the parties.

2. In the present writ petition, the petitioner prays for
the following reliefs:

*“1. A writ in the nature of Certiorari
or any other appropriate writ/s, order/s,
direction/s commanding the respondents
for the following:*

*(i) Quashing the impugned letter
bearing Letter No. 131 dated
11.05.2023, issued by the Chief*



Engineer, BSEIDC, Patna. Whereby the petitioner has been blacklisted for period of ten years from participating in tenders floated by BSEIDC, on the ground of furnishing false work experience.

B. A writ in the nature of mandamus or any other appropriate writ/s, order/s, direction/s

(i) Directing the respondents to revoke and cancel the blacklisting of the petitioner considering the unconditional apology, admission of error, and passage of more than two years since the date of impugned action.

(ii) To permit the petitioner to participate in present and future tenders issued by the BSEIDC, restoring his right to profession and livelihood.

(iii) Directing the respondents to consider afresh any representation already filed or to be filed by the petitioner for reconsideration of the blacklisting order, in a time bound manner.

C. For any other relief/s which the petitioner may be found entitled to in the facts and circumstances of the case.”



3. The petitioner's case, as pleaded in the writ petition, is that he participated in the tender process pursuant to NIT No. 10/2022-23, Sl. No. 23, issued by the Bihar State Educational Infrastructure Development Corporation (BSEIDC) for construction of a 10+2 School Building (G+2) at High School Building, Sindhiya, Dagarua, Purnea (Group No. SSSM-317). According to the petitioner, he was found technically qualified, his bid was accepted and the work was allotted to him. It is his further case that during subsequent verification, the work experience certificate furnished by him was alleged to be false, whereafter a show cause notice dated 21.03.2023 was issued. The petitioner submitted his reply dated 27.03.2023 admitting the mistake in furnishing the work experience certificate and seeking pardon. Thereafter, by order dated 11.05.2023, he was blacklisted for a period of ten years.

4. Learned counsel for the petitioner submits that the impugned order of blacklisting for a period of ten years is arbitrary, disproportionate and in violation of the principles of natural justice. It is submitted that although a show cause notice was issued and the petitioner submitted his reply admitting the mistake in furnishing the work experience certificate and sought pardon, no opportunity of personal hearing was afforded before



passing the impugned order. It is further submitted that the respondents failed to consider the mitigating circumstances, including the petitioner's unconditional admission, absence of any financial loss to the department, absence of any previous adverse record and the fact that no criminal proceedings were initiated against him. It is, therefore, contended that the punishment of blacklisting for ten years is grossly excessive and liable to be set aside.

5. Per contra, learned counsel appearing for the Bihar State Educational Infrastructure Development Corporation (BSEIDC) submits that the impugned order has been passed strictly in accordance with the policy contained in BSEIDC Letter No. 73 dated 02.06.2022, issued in furtherance of the Bihar Contractor Registration Rules, 2013. The relevant portion of the said Letter reads as follows:

बिहार राज्य शैक्षणिक आधारभूत संरचना विकास निगम लिमिटेड
BIHAR STATE EDUCATIONAL INFRASTRUCTURE DEVELOPMENT CORPORATION LTD.
(A Govt. of Bihar Undertaking)
ISO 9001:14001; OHSAS 18001
Shiksha Bhawan, Bihar Rashtrabhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna-800004
Tel. No. : 0612-2660850 . Fax No.: 0612-2660256
E-mail: bseidc@gmail.com . Website: <http://www.bseidc.in> . CIN:U80301BR2010SGC015859

कार्यालय-आदेश

संख्या-73

पटना, दिनांक-02/06/2022

सूचना

बिहार राज्य शैक्षणिक आधारभूत संरचना विकास निगम(BSEIDC) शिक्षा भवन, बिहार राष्ट्रभाषा परिषद कैंपस, आचार्य शिवपूजन सहाय पथ, सैदपुर, पटना-800004 के अंतर्गत सभी श्रेणियों में निबंधित संवेदक अथवा निगम की निविदाओं में भाग लेने वाले निविदाकारों के लिए बिहार ठीकेदारी निबंधन नियमावली 2012 लागू थी। इस सूचना के माध्यम से सभी संबंधित संवेदकों को सूचित किया जाता है कि निगम के निदेशक पर्षद की 41 वीं बैठक के निर्णयानुसार बिहार राज्य शैक्षणिक आधारभूत संरचना विकास निगम में प्रख्यापित ठीकेदारी निबंधन नियमावली 2012 के शर्तों में निम्नलिखित दंड प्रावधानों को लागू किया गया है जिसे तत्काल प्रभाव से लागू किया जाता है।



क्र. सं.	कदाचार	कालीकरण की अवधि
1.	एकराननामा एवं विहित विनिर्देश के अनुसार कार्य निष्पादन में चूक	
	(A) कार्य एकरारनामा को RESCIND किये जाने पर।	दस वर्षों के लिए कालीकृत
	(B) किये गये कार्य की गुणवत्ता असंतोषजनक रहने एवं कार्य एकरारनामा को RESCIND किये जाने पर।	पंद्रह वर्षों के लिए कालीकृत
	© एकरारनामा के एक से अधिक शर्तों का उल्लंघन तथा इस संबंध में सूचना एवं चेतावनी देने के बावजूद भी उपेक्षित सुधार नहीं लाने पर।	दस वर्षों के लिए कालीकृत
	(D) संवेदक द्वारा उपलब्ध कराये गये अंतरित अथवा चालू विपत्र में FRAUD पाये जाने पर।	दस वर्षों के लिए कालीकृत
	(E) DEFECT LIABILITY PERIOD(DLP) में निर्मित योजनाओं का विहित संधारण नहीं किये जाने पर।	दस वर्षों के लिए कालीकृत
2.	संबंधित पदाधिकारी या कर्मचारी को अभित्रासित करने या उनपर हमला करने के लिए।	दस वर्षों के लिए कालीकृत
3.	ठीकेदार द्वारा सरकारी समान जैसे सिमेंट, स्टील एवं अलकतरा इत्यादि बेचते हुए पाये जाने पर।	दस वर्षों के लिए कालीकृत
4.	ठीकेदार द्वारा निविदा प्राप्त करने के लिए गलत अग्रधन या प्रतिभूति राशि एवं गलत कागजात समर्पित करने पर।	दस वर्षों के लिए कालीकृत
5.	एक से अधिक बार कार्य आवंटित होने पर निश्चित अवधि तक एकरारनामा नहीं करना।	दस वर्षों के लिए कालीकृत
6.	किसी अपराधिक गतिविधि में सजायफ्ता होने पर।	दस वर्षों के लिए कालीकृत अथवा न्यायालय द्वारा संसूचित सजा की अवधि जो अधिक हो।
7.	ठीकेदार द्वारा अपना कार्य किसी दूसरे ठीकेदार अथवा किसी व्यक्ति को बिना विभागीय आदेश क सौंपने पर (सबलेटिंग)	पाँच वर्षों के लिए कालीकृत
8.	पथ निर्माण विभाग के पत्रांक-4104 (ई.) दिनांक-28.10.2009 की उत्तरवर्ती कंडिका के आलोक में यथा प्रावधानित एक से अधिक उपबंधित कदाचारों में सलिप्त पाये जाने पर।	पंद्रह वर्षों के लिए कालीकृत

बिहार राज्य शैक्षणिक आधारभूत संरचना विकास निगम लिमिटेड पटना, के ठीकेदारी निबंधन नियमावली, 2012 के अन्य शर्तें यथावत रहेंगे।

Sd/-
प्रबंध निदेशक



6. It is further submitted that the petitioner has approached this Court without disclosing the correct and complete facts. According to the respondents, during the technical evaluation itself, the work experience certificate furnished by the petitioner was referred for verification and, upon verification by the Executive Engineer, Building Construction Division, Supaul, was found to be false and fabricated. Consequently, the petitioner was never declared technically qualified, no work order was issued in his favour and no work was ever allotted to him. It is contended that the averments made in the writ petition that the petitioner was awarded the contract and had commenced preliminary work are factually incorrect and have been made only to mislead this Court.

7. Learned counsel further submits that the petitioner was initially issued a show cause notice and, upon his failure to submit any reply, a reminder show cause notice was issued to afford him a further opportunity in compliance with the principles of natural justice. Thereafter, the petitioner, in his reply dated 27.03.2023, admitted that the work experience certificate submitted by him was false and tendered an unconditional apology. It is submitted that only thereafter was



the impugned order of blacklisting passed in accordance with the applicable policy and tender conditions. In support of the aforesaid submissions, learned counsel has relied upon paragraphs 8 to 11, 21 and 23 of the counter affidavit, which read as follows:

“8. That it is stated that upon due investigation, the work-experience certificate attached by the Petitioner was found to be fabricated as informed by Executive Engineer, Supsul vide Letter no-1369 dated-26/09/2022.

9. That it is stated that upon discovery of the fact that the work-experience certificate submitted by the Petitioner was forged and fabricated, the Chief Engineer. BSEIDC, Patna, issued a show-cause notice vide Letter No. 709 dated 25/01/2023 to the Petitioner, to furnish a reasonable opportunity to him to explain the inconsistency on his part.

10. That it is stated that despite the service of the show cause notice, the Petitioner failed to submit his show cause reply. Therefore, the Respondent Authority again issued a reminder show cause notice vide Letter No. 2502 dated 21/03/2023, in the interest of ensuring compliance with the principles of



natural justice.

11. *That it is stated that after the second show cause notice, the Petitioner submitted his show cause reply vide letter dated 27/03/2023, whereby he admitted that he had attached the false work-experience certificate and tendered his apology for the same.*

“21. That it is submitted that the answering respondents categorically deny the contents of paragraphs 7-9 as during the technical verification stage itself, the work-experience certificate furnished by the Petitioner was found to be fabricated. Hence, neither work order has been issued, nor has any work been done in that regard. It is stated that the Petitioner has tried to mislead the court by not disclosing the material facts and by explicitly presenting absolutely false and frivolous facts. In view of such conduct, the Petitioner is not entitled to any equitable relief, indulgence, or leniency from this Hon'ble Court and shall be put to strict proof of any claims made therein.

23. *That it is submitted that the contents of paragraph 14 of this Writ Petition are categorically denied, and the precedent and subsequent conduct of the*



Petitioner shows a clear intention to firstly mislead the authority by presenting a false and fabricated work-experience certificate and then in the present petition, making false statements that the work order was allotted to him and the work has been commenced in that regard, before the order of blacklisting was passed, which is totally incorrect. Hence, in view of such conduct, the Petitioner is not entitled to any equitable relief, indulgence, or leniency from this Hon'ble Court."

8. The following issues arise for consideration before this Court:

(i) Whether the petitioner, having made false and misleading averments in the writ petition and having approached this Court after an unexplained delay, is entitled to invoke the equitable and discretionary jurisdiction of this Court under Article 226 of the Constitution of India?

(ii) Whether the impugned order dated 11.05.2023 blacklisting the petitioner for a period of ten years on account of submission of a forged/fabricated work experience certificate, the submission whereof stands admitted by the petitioner, is liable to be interfered with, particularly when the order has been



passed in terms of the BSEIDC Office- Order dated 02.06.2022
read with the Bihar Contractor Registration Rules, 2013?

Re. Issue No. (i)

9. Upon perusal of the pleadings and the materials brought on record, this Court finds that the petitioner has specifically pleaded in the writ petition that he was found technically qualified, that his tender was accepted, that he was awarded the contract and had even commenced preliminary work. The respondents have categorically denied the aforesaid assertions in the counter affidavit by specifically stating that during the technical evaluation itself, the work experience certificate furnished by the petitioner was referred for verification and was found to be false and fabricated. It has further been asserted that the petitioner was never declared technically qualified, no work order was ever issued in his favour and, consequently, no work was executed by him.

10. The respondents have also placed reliance upon the verification report of the Executive Engineer, Building Construction Division, Supaul, as well as the show cause proceedings culminating in the order of blacklisting. Significantly, despite the specific averments made in the counter affidavit, the petitioner has neither produced the work order



itself nor any material to substantiate his assertion that the work had in fact been allotted to him. Thus, the factual assertions made in the writ petition remain unsupported in view of the specific stand taken by the respondents.

11. This Court further notices that the impugned order was passed on 11.05.2023, whereas the present writ petition has been instituted only in the year 2025. The writ petition is conspicuously silent as regards the delay in approaching this Court. No explanation whatsoever has been furnished either in the pleadings or during the course of hearing for the belated invocation of the extraordinary writ jurisdiction.

12. It is trite that a litigant invoking the extraordinary jurisdiction under Article 226 of the Constitution must approach the Court with clean hands, disclose all material facts and make truthful pleadings. Suppression of material facts or making false or misleading averments disentitles a litigant from claiming equitable and discretionary relief. The Hon'ble Supreme Court, in *K.D. Sharma v. Steel Authority of India Ltd., reported in (2008) 12 SCC 481*, has held that a person invoking the writ jurisdiction must come with clean hands and disclose all material facts, failing which the Court may refuse to entertain the petition. The relevant portion of the said order reads as



follows:

“34. It is, therefore, of utmost necessity that the petitioner approaching the writ court must come with clean hands, put forward all the facts before the court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the court, his petition may be dismissed at the threshold without considering the merits of the claim.”

13. Similarly, in ***Prestige Lights Ltd. v. State Bank of India, reported in (2007) 8 SCC 449***, it has been held that the prerogative jurisdiction under Article 226 is discretionary and equitable, and a litigant guilty of suppression, misrepresentation or misleading the Court is not entitled to any relief. The relevant portion of the said order reads as follows:

“33. It is thus clear that though the appellant Company had approached the High Court under Article 226 of the Constitution, it had not candidly stated all the facts to the Court. The High Court is exercising discretionary and extraordinary jurisdiction under Article 226 of the Constitution. Over and above, a court of law is also a court of equity. It is, therefore, of utmost necessity that when a party approaches a High Court, he must place all the facts before the Court without any reservation. If there is suppression of material facts on the part of the applicant or twisted facts have been placed before the Court, the writ court may refuse to entertain the petition and



dismiss it without entering into merits of the matter.”

14. Reference may also be made to ***Dalip Singh v. State of Uttar Pradesh, reported in (2010) 2 SCC 114***, wherein the Hon’ble Supreme Court deprecated the growing tendency of litigants to obtain relief by making false statements or suppressing material facts and reiterated that such litigants are not entitled to any equitable relief. The relevant portion of the said order reads as follows:

“2. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.”

15. In view of the aforesaid discussion, this Court is of the considered opinion that the petitioner has failed to approach this Court with clean hands. The pleadings regarding the alleged award of work and commencement of execution are not borne out from the record and remain unsupported in view of the specific stand taken by the respondents. Coupled with the unexplained delay in approaching this Court, the conduct of the



petitioner disentitles him from invoking the equitable and discretionary jurisdiction of this Court under Article 226 of the Constitution.

16. Accordingly, Issue No. (i) is answered against the petitioner.

Re. Issue No. (ii)

17. It is not in dispute that the work experience certificate submitted by the petitioner was found to be false upon verification conducted by the Executive Engineer, Building Construction Division, Supaul. Pursuant thereto, a show cause notice was issued to the petitioner. The records further reveal that when the petitioner failed to submit any reply, a reminder show cause notice dated 21.03.2023 was also issued, thereby granting him a further opportunity to explain his stand.

18. In response to the reminder show cause notice, the petitioner submitted his reply dated 27.03.2023, wherein he admitted that the work experience certificate furnished by him was false and sought pardon for the same. Thus, the very basis of the impugned action stands admitted by the petitioner himself.

19. The contention of the petitioner that no opportunity of hearing was granted also does not merit



acceptance. The petitioner was served with a show cause notice and thereafter a reminder show cause notice. He also submitted his written explanation, which has been considered before passing the impugned order. In the facts of the present case, this Court is satisfied that the principles of natural justice have been duly complied with.

20. This Court further finds that the impugned order has been passed in terms of the BSEIDC Office- Order contained in Letter No. 73 dated 02.06.2022, issued in furtherance of the Bihar Contractor Registration Rules, 2013, which specifically provides that where a contractor submits forged or fabricated documents, he shall be blacklisted for a period of ten years. Therefore, the authority has merely imposed the consequence prescribed under the applicable Rules and policy.

21. The Hon'ble Supreme Court in ***Patel Engineering Ltd. v. Union of India, reported in (2012) 11 SCC 257***, has held that blacklisting is a recognised power of the State and can be exercised for legitimate purposes, provided the principles of natural justice are complied with. The relevant portion of the said order reads as follows:

“15. It follows from the above judgment in Erusian Equipment case that the decision of the State or its



instrumentalities not to deal with certain persons or class of persons on account of the undesirability of entering into the contractual relationship with such persons is called blacklisting. The State can decline to enter into a contractual relationship with a person or a class of persons for a legitimate purpose. The authority of the State to blacklist a person is a necessary concomitant to the executive power of the State to carry on the trade or the business and making of contracts for any purpose, etc. There need not be any statutory grant of such power. The only legal limitation upon the exercise of such an authority is that the State is to act fairly and rationally without in any way being arbitrary—thereby such a decision can be taken for some legitimate purpose. What is the legitimate purpose that is sought to be achieved by the State in a given case can vary depending upon various factors.”

22. In ***Gorkha Security Services v. Government (NCT of Delhi)***, (2014) 9 SCC 105, the Hon’ble Supreme Court held that before passing an order of blacklisting, the person concerned must be given a meaningful opportunity to show cause against the proposed action. The relevant portion of the said order reads as follows:

“Necessity of serving show-cause notice as a requisite of the principles of natural justice

16. It is a common case of the parties that the blacklisting has to be preceded by a show-cause notice. Law in this regard is firmly grounded and does not even demand much amplification. The necessity of compliance with the principles of natural



justice by giving the opportunity to the person against whom action of blacklisting is sought to be taken has a valid and solid rationale behind it. With blacklisting, many civil and/or evil consequences follow. It is described as “civil death” of a person who is foisted with the order of blacklisting. Such an order is stigmatic in nature and debars such a person from participating in government tenders which means precluding him from the award of government contracts.”

23. In the present case, the requirement stood satisfied as the petitioner was issued a show cause notice, followed by a reminder show cause notice, and his reply dated 27.03.2023 was duly considered before the impugned order was passed.

24. In view of the admitted conduct of the petitioner, the compliance with the principles of natural justice and the statutory consequence prescribed under the Bihar Contractor Registration Rules, 2013 read with the BSEIDC Office- Order dated 02.06.2022, this Court finds no illegality or arbitrariness in the impugned order dated 11.05.2023 warranting interference in exercise of writ jurisdiction.

25. Accordingly, Issue No. (ii) is answered against the petitioner.

26. In view of the aforesaid discussion, this Court does not find any reason to interfere in the present writ application.



27. Accordingly, the present writ application stands dismissed.

28. Pending application (s), if any, shall also stands disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	14.08.2026
Transmission Date	NA

