

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3862 of 2015

Nilabh, Son of Ramesh Prasad, resident of village- Koriyawan, P.S. - Masaurhi,
District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Rural Work Department, Government of Bihar, Patna.
2. The Chief Engineer, Rural Work Department, Govt. of Bihar, Patna.
3. The Superintending Engineer, Rural Work Department, Circle, Patna.
4. The Executive Engineer, Rural Work Department, Division- Masaurhi, Patna.
5. The Technical Assistant, Rural Work Department, Circle, Patna.
6. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Rural Works Department, Govt. of Bihar, Patna

.... Respondents

Appearance :

For the Petitioner : Mr. Dinesh Choudhary, Advocate

For the State : Mr. Himansuhu Kumar Akela, A.C. to G.A.1

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 31-03-2015

As prayed, learned counsel for the petitioner is permitted to implead the Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Rural Works Department, Govt. of Bihar, Patna, as respondent no.6.



Petitioner claims to be the contractor in the class of unemployed engineers. It is submitted that in response to the notice inviting tender, as contained in Annexure 2, petitioner submitted his papers but his tender was declared disqualified in the technical bid. Learned counsel for the petitioner submits that in terms of the resolution dated 31.01.2008, memo no.1399 (S), as contained in Annexure 3, specially in terms of Clause 4 thereof, the petitioner, being the contractor registered under unemployed engineers category, was only required to participate in financial bid and not in technical bid. Therefore, he could not have been disqualified on the basis of not having succeeded in technical bid. It is claimed that the petitioner has approached the Secretary, BRRDA, Patna also by filing representation dated 20.02.2015 but nothing has been received by him till date regarding any decision having been taken.

In the aforementioned background of the matter, this writ application is being disposed of with a liberty to the petitioner to approach the respondent no.6 i.e., the Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Rural Works Department, Govt. of Bihar, Patna by filing a representation along with a copy of this order. On such representation having been filed, let respondent no.6 take a

decision on the representation of the petitioner within a period of four weeks from the date of filing of the same. In case he finds that he is not the competent authority to take such decision then he shall immediately refer the matter to such competent authority who would be obliged to take a decision and pass a reasoned order in the matter.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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