

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1575 of 2014

IN

Civil Writ Jurisdiction Case No. 17928 of 2014

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Uma Kant Tiwary, Son of Late Kamla Tiwary, Resident of Village Kab, P.S. Rani Talab, District Patna.

.... Petitioner/Appellant

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Government of Bihar, Anisabad, Patna.
5. The Superintending Engineer, Department of Water Resources, Ganga Sone Nahar Pramandal, Khagaul,.
6. The Executive Engineer, Sone Canal Division, Khagaul, Patna.
7. Sanjay Kumar Son of Ram Janam Sharma, Resident of Mohalla Shivpuri, Road No. 1, P.O. & P.S. Shastri Nagar, District Patna.
8. Prashant Kumar Son of Krishna Kumar, Resident of Village Baliari, P.O. Keshouri, P.S. Pakri Barawa, District Nawada.

....Respondents/ Respondents

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Appearance :

For the Appellant/s : Mr. Dhruv Narayan, Sr. Advocate
Mr. Devi Das Srivastava

For the Respondent/s : Mr. Prabhat Kumar, AC to GA 2

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 13-02-2015

This Letters Patent Appeal is filed against the order dated 17.10.2014 passed by the learned Single Judge in CWJC No. 17928 of 2014.

Heard Sri Dhruv Narayan, Sr. Counsel for the appellant and Sri Prabhat Kumar, learned counsel for the State.

The grievance of the petitioner ventilated in the writ

petition was that he filed a tender for a particular work in accordance with law but the tender was rejected. The learned Single Judge took note of the fact that the tender of the petitioner was rejected on the ground that it was not accompanied by an affidavit. The plea of the petitioner was that according to the Circular issued by the Government on 31.1.2008, it was not necessary to file an affidavit at all. However, that contention was not accepted and the writ petition was dismissed.

For the first time, in the Letters Patent Appeal, the learned Sr. Counsel pleaded that the affidavit has, in fact been filed by the petitioner. A copy of the same is enclosed with I A No. 9012 of 2014. We are not inclined to accept that contention. It is evident from the statement in the writ petition that the ground of rejection of his tender i.e. non-filing of the affidavit, was known to him. If in fact he filed it, he would have mentioned the same in the writ petition. Obviously, the present plea is an after-thought. We do not find any basis to interfere in the order under appeal, passed by the learned Single Judge.

This Letters Patent Appeal is dismissed.

Interlocutory Applications shall stand disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Shivaji Pandey, J)

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