

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1037 of 2015

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M/s. Kids International Pvt. Ltd. office at 5/169/1, first floor, Lata Kunj, Old Agra - Mathura Road, Agra - 2 through its authorized signatory Sri Manoj Kumar resident of 14/56, Chakai Latto Gali, Fuwwara, Agra (U.P.)

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna
3. The Secretary, Department of Education (Secondary) Govt. of Bihar, Patna
4. The Bihar School Examination Board, Patna, Sinha Library Road, Patna 17
5. The Secretary, the Bihar School Examination Board, Patna
6. The Chairman, the Bihar School Examination Board, Patna

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Ashutosh Singh, Advocate
For the Respondents : Mr. Satyabir Bharati, Advocate
For the State : Mr Rajesh Kumar, A.C. to G.P. 10

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 26-02-2015

I have heard learned counsel for the petitioner and the respondents.

The writ petition has been filed *inter alia* for grant of following reliefs:-

“1 a. For directing the respondent to take a final decision immediately and communicate the same to the petitioner also with respect to the supply of the Answer Books for Secondary school Examination and for Sr. Secondary School (Intermediate) Examination for the year 2015

b. For directing the respondent authority to issue the work order / supply of the answer books in 75 days advance from the date of examination/date of supply.

c. For directing the respondent authority to bring on the record the work order, if Any has been issued in favour of the any other firm, who was not the lowest bidder

and the same be quashed after holding an investigation and punished the erring officials according to law.

d. For directing the respondents to issue the work order in favour of the petitioner who is the lowest bidder (i.e. L-1) for supply and transportation of the answer books.

e. For any other incidental, consequential relief/reliefs for which the petitioner may be found entitled to.”

It is submitted that the petitioner has been declared successful in the technical bid but it has not got any information regarding issuance of work order for supply of answer books for Secondary School Examination and Sr. Secondary School (Intermediate) Examination, 2015.

The Bihar School Examination Board has filed counter affidavit stating that work order has already been given K.C. Printing & Allied Works Pachawati on 20.11.2014 itself and it has almost completed the work also by making supply of the answer books concerned. It has further been stated that the petitioner was the lowest bidder but its bid was not accepted finally in view of two grounds. First ground is that it has experience of only one such work in comparison to the second lowest bidder which was having more than three work experiences and it had also supplied the copy of the answer books to the Board for the previous annual Examination 2013. Secondly, second lowest bidder was given preference in view of Clause 10 of the terms and conditions of the tender as contained in Annexure A which lays down that such tenderers who have been

registered with Bihar State Vat Tax for the last three years would be given preference. Petitioner has got itself registered only in the year 2012 whereas the successful tenderer was registered in the year 2009 itself. The petitioner is a new company and it came into existence only in the year 2012.

In such situation, this Court would not be inclined to interfere in this matter at this stage when the work is almost over.

Accordingly, this writ application is dismissed.

However, before parting with this matter, I must indicate that authorities are duty bound to inform the unsuccessful bidders also regarding the result and offer them back their security deposits etc. which does not appear to have been done in this case.

(Dr. Ravi Ranjan, J)

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