

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1160 of 2015

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Kameshwar Prasad Singh, son of late Indradeo Singh, resident of village Sedha,
Post Sedha, P.S. Tarari, District Bhojpur (Ara)

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Water Resources Department, Bihar, Patna
3. The Chief Engineer, Water Resources Department, Dehri-on-Sone, Rohtas
4. The Superintending Engineer, Sone Canal Circle, Water Resources Department,
Ara, Bhojpur
5. The Executive Engineer, Sone Canal Division, Water Resources Department,
Ara, Bhojpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Madhuri Lata

For the Respondent/s : Mr. GA9- ANIL KUMAR SINHA

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 27-01-2015

Heard learned counsel for the parties.

In support of the following prayer made in this writ
application:

“That this application is being filed for issuance of an appropriate writ/writs, direction/ directions to the respondents authority and for quashing the E-tender vide NIT-9/14-15 dated 22.12.2014 and for further direction to the respondents authorities to decide the tender on the basis of E-tender vide NIT-3/14-15 published on 3.9.2014 which was to be uploaded till 27.9.2014 and later on the same was extended till 13.10.2014 in place of 27.9.2014.”

learned counsel for the petitioner has straightway proceeded to assail the impugned tender notice on the ground that when on an earlier occasion the authorities had advertised as many as six works by

issuing Notice Inviting Tender (NIT) in the month of September, 2014, their action now in inviting only re-tender or a fresh tender only for the work in question being subject matter of the impugned order is per se illegal and arbitrary because they had discriminated while selecting the work in question.

This Court fails to understand as to how this argument of selective discrimination can be made by the learned counsel for the petitioner. On the contrary this court would find that the very fact that those six works were sought to be advertised in NIT, as contained in Annexure 3, and out of them only one had been subjected to cancellation. Such a decision infact may be, on account of public interest due to non-availability of a viable offer for the work in question. Thus when there is nothing in the pleadings of writ application which can make this Court believe that the action of re-tendering of the respondents in relation to the work in question covered by the impugned order is either arbitrary or illegal, such vague challenge of the petitioner must be and is hereby rejected.

That being so, this application fails and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Surendra/-

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