

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.9437 of 2015**

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1. M/s Star Build Max Pvt. Ltd. through its Proprietor Parwez Ahmad Khan son of Hasin Ahmad Khan resident of Mohalla- Balua Tal, Police Station Motihari Town , District- East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Govt. of Bihar Rural Works Department , Patna.
2. Secretary Rural Works Department, Govt. of Bihar, Patna.
3. Engineer in-Chief , Rural Works Department , Govt. of Bihar, Patna
4. The Chief Engineer-3 , Rural Works Department, Govt. of Bihar, Patna.
5. Joint Secretary Rural Works Department, Govt. of Bihar, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar

For the Respondent/s : Mr. SC3-SYED ARSHAD ALAM

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**

**ORAL JUDGMENT**

**Date: 27-07-2015**

Heard Mr. Yadav for the petitioner and the Counsel for the State. Considering the stand taken by the petitioner and the respondent State, the matter is being disposed of at this stage itself.

Petitioner filed the present application aggrieved by the order dated 9.6.2015 (Annexure-1) passed by the respondent Engineer-in-Chief whereby upon finding the petitioner the lowest bidder at the financial bid, the present order has been passed denying him the work.

It appears from the impugned order that the petitioner Company was blacklisted by another Department of the Government

under the provisions of Bihar Contractors Rules, 2007. The contention of the petitioner is that the order has been passed in order to help the Contractor under the blessings of the local M.L.A.

Counsel for the State, on the other hand, submits that the order is appealable before the Principal Secretary of the Government of the concerned Department. The petitioner be relegated through the said remedy.

Counsel for the petitioner has drawn attention of the Court to Annexure-9 of the I.A. No. 5415 of 2015 wherefrom it appears that the work(s) under the jurisdiction of the concerned authority has been re-advertised inviting papers between 22.7.2015 to 28.7.2015 wherein 30.7.2015 is the date for opening of the bid. It has also been pointed out that the petitioner has already filed appeal before the respondent Appellate Authority on 10.6.2015, a copy whereof has been enclosed as Annexure-10/A.

Taking into account the aforesaid facts emerging from the record, in my view, the application merits to be disposed of by the following order:

Let the Appellate Authority consider the appeal of the petitioner as quickly as possible within three weeks from the date of receipt/production of a copy of this order before the Appellate Authority along with a copy of the appeal memo (Annexure-10/A). In

the meantime, the petitioner shall also be allowed to participate in the tender process which, of course, shall be subject to the result of the appeal.

Pankaj/-

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**(Kishore Kumar Mandal, J)**