

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5631 of 2015

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Ranjeet Kumar Singh Son of Late Shatrudhan Prasad Singh, Resident of
Mohalla- New Area, Aurangabad, P.S. & District- Aurangabad,

.... Petitioner

Versus

1. The State of Bihar,
2. Principal Secretary, Public Health Engineering Department , Government
of Bihar, Patna,
3. Superintending Engineer, Public Health Engineering Circle, Gaya,
District- Gaya,
4. Executive Engineer, Public Health Engineering Division, Gaya, District-
Gaya,

.... Respondents

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Appearance :

For the Petitioner : Mr. Jitendra Prasad Singh, Advocate

For the State : Mr. Pandey S Sahay, SC 31

AC to SC 31

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL ORDER

2 01-05-2015 I have heard learned counsel for the petitioner and the State.

In view of the nature of the order which is proposed to be
passed in this case, the same is being considered and disposed of
without waiting for filing of counter affidavit.

Admitted fact is that the petitioner had sent the original
copies of the National Saving Certificates (hereinafter to be
referred to as “NSC”) for the purpose of security as per the



requirement in the notice inviting tender through registered post. The petitioner has also applied through the website in the E-Tender process and has given details of such NSC. It appears from Annexure 2 that about 11 unregistered envelopes which were sent by the petitioner went missing from the office of the respondent no. 4 for which a First Information Report has been lodged and letter has been written to the concerned post office of Aurangabad for supply of duplicate of the same. However, vide Annexure 2 dated 25.02.2015, which is a decision passed on the application filed by the petitioner dated 24.02.2015, it has been clarified that if duplicate certificates are not received then the petitioner's claim for proceeding on the basis of xerox copies of the NSC would not be accepted.

In my considered opinion, the petitioner cannot be saddled with such type of coercive measure without being any fault on his part as details of such documents sent through E-mail are available in the Post Office and also on account of the fact that the documents have been lost from the office of the respondents, the petitioner cannot be made to suffer for that.

In such a situation, in my considered opinion, the petitioner should be allowed to participate in the tender on production of the xerox copies of the NSC within a week as the petitioner claims

that the tender is now to be opened by the Department. The participation of the petitioner in the tender process would be subject to supply of the duplicate copies of the NSC by the Head Post Office, Aurangabad.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

SC/-

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