

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10481 of 2015

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1. Maa Sharda Construction through its partner Sri Arun Kumar Singh, Son of Sri Krishna Singh, Resident of Mohalla- New Area, Ward No-5, P.S. Nagar, Distt- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary B.C.D Department
2. The Chief Engineer, Bihar Police Building Construction Corporation, Patna.
3. The Superintending Engineer, Bihar Police Building Construction Corporation, Patna.
4. Ganesh kumar, Son of not known resident of Mohalla- RMS Colony, Road No-4, Kankarbagh, P.S. Kankarbagh, District- Patna.
5. The Principal Secretary, Home (Police) Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh

For the Respondent/s : Mr. SANDEEP KUMAR (GA8)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 27-07-2015

Heard Mr. Rajendra Prasad Singh for the petitioner and

A.C. to G.A. 8 for the State.

The nature of dispute which has been raised herein, in my view, can be well appreciated by the authority of the respondent State.

Petitioner is a registered Contractor. Pursuant to notice inviting tender, petitioner filed his papers. Respondent no. 4 also filed papers. The technical bid was opened in presence of the parties wherein both the petitioner and the private respondent were found in

order. It is the contention of the petitioner that subsequently, the financial bid was also opened for appraisal on 13.6.2015 wherein the bid of respondent no. 4 was found lowest and as such, he was selected for the offer.

The contention of the petitioner is that there are material defects in the papers submitted by respondent no. 4 which would render the said respondent ineligible for filing papers as per the conditions of NIT.

Counsel for the petitioner has taken a stand that the matter as raised herein can be agitated before the Principal Secretary of the Home (Police) Department of the Government if the Court so directs. In this regard, he has prayed for impleading the said authority as party in the present writ petition.

This Court permits the petitioner to array the Principal Secretary, Home (Police) Department, Government of Bihar, Patna as respondent no. 5.

Counsel for the State, considering the said stand taken by the petitioner, has not objected disposal of the matter in the aforesaid terms.

Considering the aforesaid, this Court is disposing of the matter by permitting the petitioner to make a representation against selection of respondent no. 4 as the successful bidder for the work in

question before the newly impleaded respondent no. 5 within 07 days.

If any such representation is filed within 10 days, the said respondent shall examine the same and take appropriate decision/dispose of the same as quickly as possible in accordance with law preferably within 15 days of its filing/presentation.

(Kishore Kumar Mandal, J)

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