

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 3333 of 2016

Along with

Interlocutory Application No. 1793 of 2016

=====

Amit Kumar S/o Sri Nand Kishore Singh R/o Mohalla- Ghandhi Nagar Ward No. 8
P.O. & P.S. -Sasaram District- Rohtash.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Urban Development & Housing Department.
2. The Executive Officer (Town), Nagar Parishad Sasaram, District Rohtash.
3. Executive Engineer District Urban Development Agency (DUDA) Sasaram at Rohtash.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 29-03-2016

Heard learned counsel for the petitioner and
learned counsel for the State.

Despite respondent no. 2 having entered
appearance and also counter affidavit filed on his behalf, nobody
is present when the case is taken up today.

The writ petition has been filed challenging the
legality and validity of the action of the respondent no. 2 in
publishing fresh NIT in the daily Newspaper 'Prabhat Khabar' on
09th January, 2016.

Learned counsel for the petitioner submits that
pursuant to the earlier NIT, he had submitted his bid and he was
also successful but without cancelling the earlier tender notice,
the publication calling for a second tender is illegal.



Learned counsel for the State submits that as per the counter affidavit filed on behalf of the respondent no. 2, the stand is that no notice was ever published in the way it was required for the said work and even the requisition sent to the Department of Information and Public Relation, Government of Bihar for publishing the tender was incomplete. It is further submitted that no notice was published in the newspaper, which is a mandatory requirement. Learned counsel submits that in view of the aforesaid, the entire process was *ab initio void* and thus the petitioner having applied on the basis of the notice on the internet cannot claim any right as the process is faulty right from the beginning.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any error in the action of the respondents. An action *ab initio void* cannot lead to a right being created in favour of any party and thus no specific order was required cancelling the earlier tender as no tender notice was published in the eyes of law and so there cannot be any occasion for cancelling the so called tender notice.

Accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

Anand Kr.

U			
---	--	--	--