

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8358 of 2016

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Dinesh Jha, son of Jai Narayan Jha, resident of Village- Doria, P.O.- Haldara Hat,
P.S.- Kursakanta, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Araria.
3. The Executive Officer, Nagar Parishad, Araria.
4. The Executive Engineer, District Urban Development Authority, Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra

For the Respondent/s : Mr. Subhash Prasad Singh, GA-7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 20-06-2016

Heard Mr. Bidhanesh Mishra, learned counsel for the
petitioner and learned counsel for the State.

The petitioner has prayed for a direction to the Executive
Engineer to reconsider his candidature as against the tender no.11 of
2015-16 which was issued in relation of several construction works.
The candidature of the petitioner has been disqualified on grounds
that the condition envisaged at paragraph- 18 (4)(क) of the tender
notice present at Annexure-1, is not satisfied.

Mr. Bidhanesh Mishra, learned counsel for the petitioner has
argued to submit that since the petitioner satisfies the eligibility
condition as provided under clause-18(4)(क), (ख), (ग) and (घ) that
in itself would be sufficient to entitle the petitioner for consideration
against the tender floated.

Having heard learned counsel for the parties and considering

the conditions stipulated in the tender present at Annexure-1, I am of the opinion that the arguments advanced by Mr. Mishra, learned counsel for the petitioner would not salvage the situation for the petitioner for even if the conditions stipulated under clause-18 (4) (क), (ख), (ग) and (घ) are mandatory conditions and is stated to have been satisfied by the petitioner yet the condition present at clause-18(4) (ङ) thereof is a necessary condition for it deals with the equipments possessed by intending tenderor. Though the said clause gives an option to the intending tenderor to confirm whether he is in possession of the equipments in question or would be able to procure the same from somewhere else but then this condition has an essential character and has admittedly not been satisfied for there in nothing on record to show that any such certification was submitted by the petitioner along with his tender papers.

In the admitted circumstances discussed above, I am not persuaded to grant indulgence to the prayer made by the petitioner and the writ petition is disposed of accordingly.

(Jyoti Saran, J)

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CAV DATE	
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