

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 8516 of 2016

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M/s Jeereshwari Enterprises, through its Proprietor Nagender Kumar Singh
resident of village - Chamari Chaok, P.S. Shahpur, P.O. Jamshaut, District - Patna

.... Petitioner/s

Versus

1. The Chairman, Bihar Karmchari Chayan Ayog, P.O. Veterinary College, Patna 14
2. Secretary, Bihar Karmchari Chayan Ayog, P.O. Veterinary College, Patna 14
3. M/s Roshni Enterprises, through its Proprietor Shri Pramod Kumar resident of Ramnagar Bengali Tola, P.S. Jakkanpur, Patna 800001

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar

For the Respondent/s : Mr. Kamala Kant Upadhyay
Mr. C. B. Das

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 26-05-2016

Heard learned counsel for the petitioner and counsel for the Staff Selection Commission.

As directed, not only a counter affidavit has been filed, but even the original record in relation to removal of some old boxes, for which a tender was invited after due publication in various newspapers, has been produced.

Writ application was filed by the petitioner, because, he despite being a higher bidder than the person, who was awarded to work of removal of the old boxes from the premises of Intermediate Council, has been awarded to a person offering lower rates.

On the surface of it, such an allegation so made did make out a case for deeper look into the matter as to the manner in which

the award of tender has been made in the present case. It is in this background that the Court directed the Secretary of the Staff Selection Commission not only to file counter affidavit but also to produce the original records relating to such decision.

What has been stated in the counter affidavit stands corroborated from the original file, which has been maintained in the course of business and in chronological order. It seems that out of seven persons, who had responded to the advertisement for participation in the tender, three persons absented at the time of opening of the bid, which included the present petitioner as well. All the four persons, whose bids were considered, the highest bidder H1 and H2 declined to deposit the money as per the quoted rates, therefore, work was assigned to H4.

Mere participation in a tender process does not create any right in favour of a bidder, other formalities required for the process of finalization of tender are equally important and there are various facets and steps which are required to be undergone by each and every participant. After having failed to fulfill the requirement during the process of consideration at one stage or the other, the participant cannot turn around and make grievance that he has been discriminated.

The Court is satisfied after perusing the materials and the original file as well that the stand of the respondents in the counter affidavit stands corroborated and absence of the petitioner at the

time of opening of the bid which was the reason for not accepting his bid or offer with regard to the tender in question. Even otherwise the boxes have been lifted and the transaction completed.

The writ application, therefore, is dismissed.

The original file is returned to the counsel for Staff Selection Commission for safe keeping.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	26.05.2016
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