

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3280 of 2014

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Kalawati Devi Wife of Late Braj Mohan Mishra Resident of Village- Lakshmipur,
Andar Dhala, Siwan, P.S.- Siwan (Town), District- Siwan (Bihar), Partner of M/s
Genius Construction Lakshmipur Andar Dhala, Siwan, District- Siwan (Bihar)

.... Petitioner

Versus

1. The State of Bihar through The Principal Secretary, Rural Works Department,
Bihar, Patna
2. The Principal Secretary, Rural Works Department, Bihar, Patna
3. The Engineering in Chief, Rural Works Department, Patna
4. The Chief Engineer-3, Patna, Rural Works Department, Patna
5. The District Magistrate, Siwan
6. The Superintending Engineer, Rural Works Department, Siwan
7. The Executive Engineer, Rural Works Department- 1, Siwan
8. The Executive Engineer, Rural Works Department, Maharajganj
9. The Regional Engineer, Rural Works Department - 1, Siwan
10. The Regional Engineer, Rural Works Department, Maharajganj, District- Siwan

.... Respondents

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Appearance :

For the Petitioner/s : Mr. UMESH KUMAR MISHRA, ADVOCATE

For the Respondent/s : Mr. BHASKAR SHANKAR, ADVOCATE

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-02-2016

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

2. The present writ petition has been filed for quashing the
order dated 20.01.2014; for quashing Memo No. 225 dated 21.01.2014; and
for connected reliefs.

3. Learned counsel for the petitioner submits that despite
having furnished all the requisite documents along with her tender in the
name of M/s. Genius Construction, the petitioner has been disqualified from
the tender process having been declared technically unfit in terms of Clause

4.7 and Clause 15.1 of the standard bidding document in respect of Tender I.D. 21383 and Tender I.D. 21406 respectively.

4. A counter affidavit has been filed on behalf of the Respondents according to which the various averments in the writ petition have been denied. The Technical Evaluation Summary Sheet enclosed as Annexure-A to the counter affidavit discloses that the petitioner failed to fulfil the various requirements as enumerated in the said Summary sheet and hence are rightly rejected as technically unfit.

5. The petitioner has not refuted the averments in the counter affidavit as no rejoinder has been filed despite sufficient opportunity granted for the same.

6. In the above view of the matter therefore, this Court does not find it a fit case for interference as the matter involves disputed questions of fact. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

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