

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.17260 of 2016**

=====

1. Kumar Ravi Shankar son of Sri Kamleshwar Rai Resident of Village- Singha  
Tola- Tarwan, P.O.- Hathua, P.S.- Mirganj, District- Gopalganj.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-cum Additional Secretary-cum-Special Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Work Circle, Siwan.
5. The Executive Engineer, Rural Works Department, Work Division, Siwan-1.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. S.B. K. Manglam

For the Respondent/s : Mr. Kameshwar Prasad Gupta, G.P. 10

=====

**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA**  
**ORAL JUDGMENT**

**Date: 25-10-2016**

Heard learned counsel for the petitioner and learned  
Government Pleader No. 10 for the State.

2. The petitioner in the present writ application has prayed for quashing the last part of the decision of the Technical Tender Committee dated 06.06.2016 by which the petitioner's technical bid was accepted by the respondent authorities but since he was the only tenderer who qualified in the technical bid, the Technical Bid Committee had recommended for re-tender of the works for which the petitioner had filed his tender document and for consequential relief.

3. A notice inviting tender relating to construction of two



roads, i.e., T01 to Das Toli Chapra Koeri Tola and Khujwa to Harijan Tola was issued on 10.02.2016. Thereafter the technical bid was opened on 06.06.2016 with the aforesaid results. Aggrieved by the same, the petitioner has filed the present writ application.

4. In the counter affidavit filed on behalf of the respondents it is submitted that the petitioner has not come with clean hands and has suppressed the fact that pursuant to the 2<sup>nd</sup> tender notice (annexure-4 to the writ application) issued on 20.07.2016 the petitioner had also participated by filing his tender paper on 10.08.2016 and, thus, the petitioner is estopped from challenging the decision taken in the previous tender process and has waived his right to do so. It is also pointed out that pursuant to the second bid also, the petitioner was declared qualified and now the financial bid has been opened on 22.10.2016 in which as many as four persons including the petitioner have quoted the lowest tenders.

5. On a consideration of the facts and circumstances of the case, this Court is in agreement with the stand of the respondents that the petitioner is disqualified from challenging the impugned order after having participated pursuant to the fresh notice inviting tender. It is also a fact that the petitioner has not approached this Court with clean hands and has suppressed the fact that he has participated in the subsequent tender much prior to the date that the petitioner had filed



the present writ application challenging the 2<sup>nd</sup> tender, which fact has not been disclosed in the writ application.

6. In the aforesaid circumstance, this writ application is dismissed.

**(Ramesh Kumar Datta, J)**

Amin/-

|                   |  |
|-------------------|--|
| AFR/NAFR          |  |
| CAV DATE          |  |
| Uploading Date    |  |
| Transmission Date |  |

