

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10507 of 2016

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1. M/s Ram Chhabila Rai having its registered office at Piperpanti Road, Rambagh, Town & P.S. : Buxar, District : Buxar through its partner Asutosh Kumar Rai son of Ram Chabila Rai resident of Piperpanti Road, Rambagh, Town & P.S.: Buxar, District Buxar, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna - 800001.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna - 800001.
3. Bihar Medical Services & Infrastructure Corporation Limited through its Managing Director, 5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna - 800001.
4. The General Manager, Bihar Medical Services & Infrastructure Corporation Limited, 5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna - 800001.
5. Rajesh Kumar Son of Baijnath Prasad resident of Takia Bazar, P.S. : Sasaram Model, District : Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar,

For the Respondent 3 to 5: Mr. Prabhat Kumar Singh

For the State : Mr. Ashok Kumar Gupta, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 05-05-2017

Heard learned counsel for the petitioner and learned counsel for the State as well as respondents.

In the present case, petitioner is claiming that the tender of respondent 5 has wrongly been accepted as he does not satisfy certain conditions of technical bid.

Learned counsel for the State as well as counsel for private respondent submit that the nature of the complaint is completely misdirected and misconceived. The petitioner has not been



selected after consideration. Respondent no.5 satisfied all the conditions being L-I candidate and has been selected for the construction of Hospital. The area of allegation has been made by petitioner that by producing the false experience certificate the respondent no.5 has obtained the contract as respondent no.5 does not satisfy the following conditions:

“ That it is stated that after opening the financial bid, the Deponent/Complainant came to learn that Rajesh Kumar had succeeded in his technical bid on the strength of forged and fabricated documents specifically previous experience certificate which was mandatory according to the norms given in the para 5 and 6 of the said N.I.T.

That according to para 5 of the said N.I.T. the participant was required to have experience for execution of work for the amount of at least 25% i.e. Rs.2,33,75,000/ of the estimate value of contract of similar nature of work.

That according to para 6 of the said N.I.T., the participant was required to have turnover at least 50% i.e. Rs.4,67,50,000/- of the estimated cost of work for which bid has invited in one among the last five financial years.”

Learned counsel for respondent nos. 3, and 5 submits that after proper scrutiny the selection has been made. Except the



vague statement there is no specific allegation. Prayer has been made for rejection of bid of respondent no.5. In paragraph 13, 14 and 15 respondent nos. 3, 4 and 5 have stated that in what manner enquiry was conducted and after due satisfaction the selection has been made. In view of the fact when complaint has been made, enquired into by respondent no.3, 4 and 5 and no material was found against respondent no.5.

In such circumstances, it will not be proper for this Court to interfere with the matter.

This Court does not find any merit in this writ petition. Accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.5.2017
Transmission Date	NA

