

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12430 of 2016

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Krishna Kumar Son of Late Raj Kishore Prasad resident of village - Chota Telpa,
P.S. Chapra Muffasil, District Chapra

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Town Development Department, Bihar, Patna
2. The Principal Secretary, Town Development Department, Govt. of Bihar, Patna
3. The Commissioner, Saran Division, Chapra
4. The District Magistrate, Saran at Chapra
5. The Executive officer, Nagar Parishad, Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Prasad Yadav No-1, Adv.
For the State : Mr. Kumar Pankaj, AC to SC-5
For the Nagar Parishad : Mr. Indu Bhushan, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-04-2017

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

In the present case, the petitioner has raised a grievance
that the financial bid was not opened and, thereby, he has been deprived to
participate in the tender process.

The Chapra Nagar Parishad has issued the N.I.T. for the
sanitation work and invited application from the eligible candidates. The
tender of the petitioner was not opened as he has not attached the necessary
documents such as Labour Licence, Experience Certificate and PAN Card,
whereas, learned counsel for the petitioner submits that he has attached all
the three documents, as aforesaid, and purposely, to deprive the petitioner,



this plea has been taken by the Panchayat Nagar Parishad. Learned counsel for the petitioner has also submitted that the petitioner was the L-1.

A counter affidavit has been filed attaching the proceedings of the technical and financial bid and it has been stated that the work has been granted to three persons who have qualified in the technical bid, they do not have any grievance, the petitioner was also present during the proceeding and he was also knowing very well the cause of rejection of his application at the level of technical bid and now he should blame himself for the same and not to the Department.

Learned counsel for the petitioner submits that the Nagar Parishad has taken a completely wrong stand notwithstanding the fact that he has attached all the documents.

These are the purely disputed questions of facts, cannot be looked into in the writ jurisdiction. The petitioner, if so advised, may approach to the civil court. However, the Nagar Parishad is directed to release the E.M.D. amount to the petitioner.

With the aforementioned observation, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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