

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

**Civil Writ Jurisdiction Case No.3057 of 2017**

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M/s Kalyani Construction through its Managing Partner Shiv Shankar Prasad Singh, S/o Late Maheshwari Prasad Singh, resident of Mohalla- New Area, Bisar Tank Road, Gaya P.S. Civil Lines, District- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Government of Bihar, Rural Works Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
2. The Superintending Engineer, Rural Works Department, Works Division, Gaya, District- Gaya.
3. The Secretary of Chief Engineer-1, Rural Works Department, Works Division, Patna, District- Patna.
4. The Chief Engineer-1, Rural Works Department, Works Division, Patna, District- Patna.
5. The Executive Engineer, Rural Works Department, Works Division, Gaya, District- Gaya.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Adv.

For the Respondent/s : Mr. Ashok Kr. Gupta, AC to GP-10

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 28-03-2017**

Heard learned counsel for the parties.

In the present case, learned Counsel for the petitioner has raised a grievance that he has participated in the tender published under the heading of 3054 for maintenance of work from Fatehpur P.S. to Dumari Chatti High Level Pool, the technical bid of the petitioner was placed before the Three Men Technical Bid Committee and the case of the petitioner was not considered on account of the fact that the name of the petitioner company is mentioned in the list of debarred Contractors.



Learned counsel for the petitioner submits that the decision of the aforesaid Committee is based on the wrong fact. Actually, the petitioner company, namely, M/s Kalyani Construction has not been debarred rather it is the Kalyani Construction and, for that, he has filed an application before the Executive Engineer, Rural Works Department, Works Division, Gaya.

Let the representation of the petitioner be considered by the Chief Engineer, Rural Works Department who will verify as to whether the name of the petitioner is existing in the debar list. If it is found that the name of the petitioner is not mentioned in the list of debar then the technical bid of the petitioner should also be considered along with other contractors.

Let the petitioner should produce a copy of this order before the Engineer-in-chief, Rural Works Department who will be obliged to take action in accordance with law.

With the aforementioned observation, this application is disposed of.

**(Shivaji Pandey, J)**

Rishi/-

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| AFR/NAFR          | NAFR       |
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