# IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Writ Jurisdiction Case No.12196 of 2017**

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M/s Laxman Kumar Through its Proprietor Laxman Kumar Prasad S/o- Sri Harihar Sah R/o- Mohalla- Ashiana Nagar, Sector- 4, Ramnagri, P.S. Rajiv Nagar, P.O. Ashiyana Nagar, District- Patna.

.... .... Petitioner

Versus

1. The State of Bihar through Secretary, Rural Works Department, Biseshwaraiya Bhawan, Patna.
2. The Secretary, Rural Works Department, Biseshwaraiya Bhawan, Patna.
3. The Engineer in Chief, Rural Works Department, Biseshwaraiya Bhawan, Patna.
4. The Chief Engineer, Rural Works Department, Biseshwaraiya Bhawan, Patna.
5. The Joint Secretary, B.R.A.D.A., P.M.G.S.Y, Patna.
6. The Superintending Engineer, Rural Works Department, Works Division, Gaya.
7. The Executive Engineer, Rural Works Department, Works Division, Sherghati.
8. The Executive Engineer, Rural Works Department, Work Division, Tikari.
9. The Divisional Accounts Officer, Rural Works Department, Work Division,Tikari.
10. Amrit Raj Construction, Shanti Kunj, Brhamsthan, Parsa Bazar, Kurthoul, District- Patna.
11. Systematic and Advance Construction Pvt. Ltd., 2nd Floor, Moti Bhawan, Exhibition Road, Salampur Ahara, Kadamkuan, Lohanipur, Patna, Bihar-800003.

.... .... Respondents

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**Appearance :**
For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mrs. Archana Meenakshee –GP 6

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**
ORAL JUDGMENT
**Date: 04-01-2018**

The present writ petition has been filed for the following reliefs:-

(i) For issuance of an appropriate writ/writs, order/orders, direction/directions to the respondents to accept the technical bid of the

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petitioner and quash the order dated 23.06.2017 passed by the official respondent nos. 6 to 9 jointly whereby and whereunder the petitioner firm has been disqualified in technical bid and direct them to enter into agreement with the petitioner for tender ID No. 50484, 50489 and 50490.

(ii) For issuance of an appropriate writ/writs, order/orders, direction/directions to the respondents not to enter into agreement with respondent nos. 10 and 11 in tender No. 50484, 50489 and 50490 due to the reason that verification of B.I.D. No. 202666, 202673, 202676 is still pending at the level of Superintending Engineer, Rural Works Department, Works Division, Gaya. That the Engineer-in-Chief, Rural Works Department, Bisheshwariya Bhawan, Patna vide its Letter No. 7864 dated 04.07.2017 has written for verification.

(iii) For directing the official respondent to take a final decision to execute a work order only after disposal of objection dated 01.07.2017 and 03.07.2017 filed by the petitioner before the respondent no. 3 and 6.

(iv) For directing the respondent authority to comply the direction of the Engineer-in-Chief to Superintending Engineer, RWD, Works Division, Gaya vide letter No. 7864 dated 04.07.2017, by which a direction has given to conduct an enquiry and submit report.

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(v) For quashing the entire proceedings of the opening of the Financial Bid dated 06.07.2017, which has been done in disobedience of letter No. 7864 dated 04.07.2017 and as such the entire process of financial bid is bad in law, without any legal basis.

(vi) For that the work order and the agreement to be entered into between the respondent 1st Set and 2nd Set be stayed during pendency of this writ petition.

(vii) For any relief/reliefs as your Lordships may deem fit and proper in the facts and circumstances of this case.

2. Learned counsel for the petitioner submits that the action of the respondent authorities in disqualifying the technical bid of the petitioner in respect of tender ID No. 50484, 50489 and 50490 is wholly arbitrary as the reason assigned for such disqualification is bad in law and without any legal basis. It is further stated that the petitioner has filed representations before the Engineer-in-Chief, Rural Works Department, Visheshwaraiya Bhawan, Bihar, Patna (respondent no. 3) for redressal of its grievances, but the same has not yet been disposed of.

3. Learned counsel for the respondents appears and has been heard.

4. In the facts and circumstances of the case and with the consent of the parties, this writ petition is disposed of granting liberty

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to the petitioner to approach the Secretary, Rural Works Department, Bisheshwaraiya Bhawan, Patna (respondent no. 2) with a fresh representation within a period of two weeks from today for redressal of its grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of on its own merits expeditiously and in any event within a period of six weeks, after granting an opportunity of hearing to the petitioner, in accordance with law.

5. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

**(Vikash Jain, J)**

Chandran/BT

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