

**IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18729 of 2013**

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Mr. Bhisam Pratap Singh (Age-42) S/O Late Anirudh Singh, Vill+ Post- Labhari,
P.S- Mairwa, Distt- Siwan.

... .. Petitioner

Versus

The Managing Director, Bihar State Educational Infrastructure Development
Corporation Ltd., Education Bhawan, Bihar Rashtrabhasha Board Compound,
Shivpujan Sahay Path, Saidpur, Patna- 4

... .. Respondent

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Appearance :

For the Petitioner : Ms. Kumari Rashmi, Advocate.

For the Respondent : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 30-11-2018

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

“(i) For quashing the letter no. BSEIDC/FIN/160/2012/665 dated 08.06.2012 issued by respondent no. 1 whereby and whereunder he has cancelled the letter of acceptance of the tender invited for the execution of Construction of upgraded secondary school building in Bihar-Group no. MS-43 (Middle School at Gaunaha, Muswa, Beldarwa,& Pakaria Urdu in district of East Champaran and debarred the petitioner without any show cause. Moreover, no order of debar could be passed without issuance of any show cause notice, pursuant to memo no. 2131 dated 13.03.2009 issued by Principal Secretary, RCD, Bihar, Patna wherein issuance of show cause notice before debarring the contractor is made mandatory, but in utter violation of the same the impugned order passed which is going to effect the petitioner adversely. Thus impugned order and its consequential orders are patently illegal, bad and required to be quashed on account of violation of the principle “Natural Justice” also, directing the respondents to firstly hear the petitioner, thereafter inquire the total matter concern, may take any decision, and till then the operation of the impugned order against the petitioner may be stayed.

(ii) For directing the respondents concerned not to cancel or disqualify and debar for the next tenders by the petitioner prior



to the impugned order, till disposal of the case, as taking advantage of the said impugned order the respondents have cancelled/disqualified the petitioner from participating/getting the tenders submitted through "e-tenders".

(iii) Further for restraining the respondents from passing any further order debarring the petitioner taking advantage of the impugned order with respect to cancel the other tenders, which have been submitted earlier to the impugned order, and if during pendency of the writ any such order is passed then the Hon'ble Court may hold the same as bad and illegal, as the petitioner has apprehension that the respondent under oblique motive to cause irreparable loss to the petitioner, and also to oblige the other contractors of their choice, under political reasons such as the tenders submitted. The respondents is going to disqualify the petitioner's "e-tenders", which is patently illegal as any order may take effect prospectively and in any case the impugned order if may be found to be valid, even then, it may not be operated with retrospective effect, hence the impugned order is bad from all the corners of law, and fit to be quashed.

(iv) For granting any other relief/s for which the petitioner be found entitled in the eye of law."

2. Learned counsel for the petitioner submits that during the pendency of the writ petition, the grievance of the petitioner has been redressed and as such the same need not be pressed.

3. None appears on behalf of the respondents when the matter is called.

4. The writ petition stands disposed of.

Ibrar/BT

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
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