

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18399 of 2013

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1. Baijnath Nirman India Pvt. Ltd. Through Its Managing Director, Namely, Niranjana Keshav Son Of Sri Baijnath Prasad Sharma Resident Of East Gandhi Maidan, P.S. + District - Jehanabad
 2. Niranjana Keshav Son Of Sri Baijnath Prasad Sharma Resident Of East Gandhi Maidan, P.S. + District - Jehanabad

... .. Petitioners

Versus

1. The State Of Bihar Through The Principal Secretary, Rural Works Department, Govt. Of Bihar, Patna
2. The Secretary, Rural Works Department, Govt. Of Bihar, Patna
3. The Engineer In Chief, Rural Works Department, Govt. Of Bihar, Patna
4. The Chief Engineer - 4 (Head Quarter) Rural Works Department, Govt. Of Bihar, Patna
5. The Superintending Engineer, Aurangabad, Rural Works Department, Govt. Of Bihar, Patna
6. The Executive Engineer, Rural Works Division Arwal, District - Arwal

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Dinu Kumar, Ms. Ritika Rani, Mr. Arvind Kr. Sharma, Mr. Vijay Kr. Vinod, Advocates
For the Respondents	:	Mrs. Anuradha Singh, SC 21

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 03-12-2018

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

“(A) For quashing the decision taken by the respondents concerned on 16.07.2013 as contained in Annexure-4 by which tender of the petitioner for construction of Bhadasi-Pali Road to Gulab Singh Engineer Road (Package No. BR-14R-150, Tender No. 15710) has been rejected on the ground that the petitioner was found ineligible pursuant to SBD 4.4(B).

(B) Also for declaring decision taken by the respondent in rejecting the tender of the petitioner in technical bid as contained in Annexure-4 is illegal, bad in law.



© Also for any other relief/reliefs for which petitioner is found entitled I the eye of law and in the facts and circumstances of the present case.”

2. Learned counsel for the petitioners submits that the respondents have arbitrarily rejected the technical bid of the petitioners mainly for the reason that the petitioners were not found eligible having the minimum requisite qualification as per clause 4.4(B) of the Standard Bidding Document.

3. Learned counsel for the respondents, on the other hand, submits with reference to paragraph 8 of the counter affidavit taking stand that the bank certificate furnished by the petitioners has not been found eligible as a result of which petitioners’ tender has been rejected.

4. Having regard to the stand of the respondents, there appears to be valid ground for which petitioners’ tender was rejected. However, categorical stand taken in the counter affidavit has not been responded to by the petitioners. Moreover, the matter relates to tender of 2013 and the petitioners have not been able to inform this Court about the present status of the tender.

5. In the circumstances, this Court is not inclined to interfere in the matter in exercise of the extraordinary writ jurisdiction. The writ petition stands dismissed.

BT/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.12.2018
Transmission Date	N.A,

