

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10874 of 2015**

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Daisy Kumari, Daughter of Santosh Kumar, resident in House No. 126,  
Bagdulhan Hajipur, P.S.- Hajipur, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Principal Secretary, Urban Department and Housing Department, Government of Bihar, Patna.
3. The Chief Engineer, Bihar Urban Development Agency, Urban Department and Housing Department, Government of Bihar, Patna.
4. The Superintending Engineer, Bihar Urban Development Agency, Urban Department and Housing Department, Government of Bihar, Patna.
5. The Executive Engineer, District Urban Development Agency, Begusarai.

... .. Respondents

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**Appearance :**

|                     |   |                                |
|---------------------|---|--------------------------------|
| For the Petitioner  | : | Mr. Durga Nand Jha, Advocate   |
| For the Respondents | : | Mr. Anil Kumar Sinha, GA 1     |
|                     |   | Ms. Deepika Sharma, AC to GA 1 |

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL JUDGMENT**

**Date : 18-12-2018**

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

*“(i) Issuance of a writ in the nature of Mandamus directing and commanding the Respondents to accept the tender of petitioner which was submitted on 8.6.2015 in the capacity of un-employed Engineer and petitioner had submitted 3.35% less/below for serial No. 4 and thereby to issue works order to petitioner.*

*(ii) Issuance of an appropriate declaration that once the petitioner had submitted her application on 21.12.2014 with cost of registration on line for her registration as un-employed Engineer and it was registered on 12.01.2015 as contractor class-3 and as un-employed Engineer, there is no justification not to accept the tender of petitioner till date*



*particularly when all the requirement has been fulfilled by the petitioner and her tender is 3.35% below of B.O.Q rate.*

*(iii) Issuance of an appropriate declaration that once the petitioner had submitted her tender against serial no. 4 of the tender as 3.35% below the zero present there appears no occasion for the Respondents not to accept the tender of petitioner to save the loss of Government.*

*(iv) Any other relief or reliefs be granted to petitioner to which she is found to be entitled to in accordance with law.”*

2. Learned counsel for the petitioner submits that the writ petition has become infructuous by efflux of time as the period of contract was for 120 days which has since elapsed and hence, it need not be pressed.

3. Learned counsel for the respondents appears.

4. The writ petition accordingly stands dismissed.

5. Needless to say, the petitioner will be at liberty to file a representation before the concerned authority for refund of earnest money, if so advised.

BT/Chandran

**(Vikash Jain, J)**

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