

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12633 of 2013

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M/S Raghubar Singh through its partner Mr. Raghubar Singh, Son Of Late Sunder Singh, Resident of Village - Kamta Chak, P.O. Mittan Chak, P.S. Gopalpur, District - Patna, At Present Resides at Mohalla - Laljee Tola, 'Rajendra Bhawan', P.O. GPO, P.S. Gandhi Maidan, District - Patna

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Building Construction Department, 'Vishweshwaraiya Bhawan', Bailey Road, Patna - 1
2. The Engineer-in-Chief, Building Construction Department, 'Vishweshwaraiya Bhawan', Bailey Road, Patna - 1
3. The Chief Engineer (South), Building Construction Department, 'Vishweshwaraiya Bhawan', Bailey Road, Patna - 1
4. The Superintending Engineer, Building Construction Department, Construction Circle, Patna
5. The Executive Engineer, Building Construction Department, Construction Division - 2, Patna
6. Mr. Sacchidanand Singh, Son of not known Resident of Mohalla - Sheikhpura, P.O. B.V. College, P.S. Shastri Nagar, District - Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Manish Sahay,
Mr. Anil Kumar Sinha, Advocates
For the Respondents : Mrs. Namrata Mishra, GA 7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-08-2018

The present writ petition has been filed for the following

reliefs –

“(i) For quashing of decision of technical bid committee (obtained from department web sites) headed by the Chief Engineer (South) i.e. respondent no. 3, as contained in Annexure-5, whereby and where under the technical bid of the petitioner relates to work namely “Construction of Married Nurses Qrt. (48 units) at N.M.C.H, Patna, Estimated cost – Rs. 6.13 Crore” has been declared “Non Responsive” in most arbitrary manner and



without assigning any reason.

(ii) For further quashing of allotment order of said work issued vide letter no. Bhawan/CE, South/Yo Pra/1-276/2012/1797 Anu dated 07-06-2013 under signature of Mr. Ramesh Kumar, the Chief engineer, south (i.e. Respondent No. -3), as contained in Annexure-7, whereby and where under the said authority, has been allotted the said work in favour of one Mr. Sacchidanand Singh, Patna (i.e. Respondent No.-6) after rejecting the technical bid of the petitioner in most arbitrary manner although the petitioner has fulfilled all criteria of the said NIT, so his financial bid must be considerable in accordance with law and tender should be decided on the rate basis of both the tenders in eye of law.

(iii) For commanding and directing the concerned respondent to consider the tender of the petitioner after opening his financial bid and decide the same afresh in accordance the law.

(iv) For declaring that the action of the departmental tender committee headed by the Chief Engineer (South), i.e. Respondent No. 3 is illegal, arbitrary, malicious and colourable exercise of power and your lordships may further be pleased to direct the competent authority to take legal action against all erring officials.

(v) For passing such an order or orders for which the petitioner is entitled under the law in the facts and circumstances of this case."

2. Mr. Manish Sahay, learned counsel for the petitioner, submits that pursuant to the tender notice, work order has been issued to one Mr. Sacchidanand Singh (respondent no. 6) and the work has



already been completed during the pendency of the writ petition and hence, the same need not be pressed.

3. The writ petition stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.08.2018
Transmission Date	N.A.

