

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16527 of 2010

=====

Ram Nandan Singh, son of Late Keshwar Singh, resident of Village Jhari, P.O.
Kala Pahar Tenduya, P.S. Nabinagar, District-Aurangabad

.... Petitioner

Versus

1. Magadh University, Bodh Gaya, Gaya through Its Registrar
2. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya
3. The Registrar, Magadh University, Bodh Gaya, Gaya
4. The Member cum Secretary, University Engineer, Bodh Gaya, Gaya
5. The Chairman, Building Committee, Magadh University Bodh Gaya, Gaya
6. The Building Committee, Magadh University, Bodh Gaya, Gaya, Through the University Engineer
7. The Principal Sachidanand Sinha College, Aurangabad (Bihar)
8. Bali Ram Prasad Singh son of not known, resident of village Chitaurah Nagar, New Area, P.S. Town, P.S. Town Muffasil, District - Aurangabad (Bihar)

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Umesh Kr. Verma, Advocate

For the Respondents : None

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-06-2018

The present writ petition has been filed for quashing a part of the proposal/decision of the Building Committee dated 19.07.2010 by which the work for construction of Commerce Block Building at Sachidanand Sinha College, Aurangabad has been re-allotted to respondent no. 8 and further directed that if any Tender has been invited, the same be cancelled which was signed by the Committee on 21.07.2010; and for connected reliefs.

2. Learned counsel for the petitioner submits that the action of the respondents is wholly arbitrary and illegal. It is stated that it has been decided by the Building Committee of the respondent-Magadh University in the meeting held on 12.04.2010 to cancel the earlier tender notice in view of



the irregularities found in the tenders received (Annexure-2). Thereafter a fresh tender notice was issued by the Principal, S. Sinha College, Aurangabad in May, 2010, pursuant to which the petitioner applied along with necessary documents with 2% security money as N.S.C. However, a decision was taken on 21.07.2010 by the Building Committee to award the work in question to Sri Baliram Prasad Singh (respondent no. 8) who was the lowest tenderer in the earlier tender which had been decided to be cancelled on the ground of irregularities.

3. None appears on behalf of the respondents despite repeated calls although counter affidavits have been filed on behalf of the Principal, S. Sinha College (respondent no. 7) as well as Sri Baliram Prasad Singh (respondent no. 8). A perusal of the said counter affidavits discloses that the University Engineer had taken away the concerned record of the tender and suppressed certain material facts. It transpires that there was irregularity only in the tender of one Sri Surendra Prasad Singh who was L-3 in the earlier tender, having failed to furnish security money. Upon the relevant facts being ascertained pursuant to an application filed by respondent no. 8 before the Vice Chancellor of the University, it became apparent that there was infirmity only in the tender of L-3 Sri Surendra Prasad Singh and hence, a decision was taken by the Building Committee to award the work in favour of Sri Baliram Prasad Singh (respondent no. 8) who was L-1 in the earlier tender. It has further been stated that the Building Committee was the competent body to take a decision in the tender matter and it was not decided to retender the work. Accordingly, the subsequent tender notice



issued in May 2010 was wholly unauthorized, having been issued by the then Principal in connivance with the petitioner, the latter not having participated in the earlier tender.

4. The stand of the respondent no. 7 and respondent no. 8 in their respective counter affidavits have not been controverted by the petitioner and no rejoinder has been filed thereto.

5. In the above circumstances and considering that the retender of the work issued in May 2010 was without authority of the Building Committee and that the Building Committee had found infirmity only in the tender documents of L-3 Sri Surendra Prasad Singh, I am not inclined to interfere in the matter. The writ petition stands dismissed. Needless to say, the petitioner shall be at liberty to apply for refund of the security deposit said to have been deposited by him.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27.06.2018
Transmission Date	N.A.

