

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2980 of 2019

Shankar Singh, aged about 44 years (Male), Son of Bashisth Singh Resident of Village- Lal Ganj, P.O.- Sasaram, P.S.- Sasaram, District- Rohtas (Sasaram)

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna
2. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna
3. The Chief Executive Officer, Rural Road Development Authority, Patna
4. The Additional Chief Executive Officer-cum-Secretary, Rural Road Development Authority, Patna
5. The Chief Engineer, Rural Works Department, Government of Bihar, Patna
6. The Superintending Engineer, Works Circle, Sasaram (Rohtas) under Rural Works Department, Government of Bihar, Patna
7. The Executive Engineer, Rural Works Department, Works Division, Bhabhua, Kaimur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Amaresh Kumar Sinha, Advocate
For the Respondent/s : Mr.Anwar Karim, AC to GP-10

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner in the present case is seeking a writ in the nature of mandamus directing the respondents to award the contract vide Tender bearing No. I.D.-64-799 (BR-05R-358) and I.D.-64-800 (BR-05R-359) under the PMGSY to the petitioner.

It is the case of the petitioner that pursuant to the advertisement inviting for the aforesaid work he had



participated in the Tender and had submitted financial bid 10% above the estimated price. It is stated that because the petitioner had quoted 10% more than the approved rate, the Additional Chief Executive Officer – cum – Secretary, Bihar Road Development Authority, Patna issued a letter bearing No. 3021 dated 30.07.2018 addressed to the Superintending Engineer, Rural Works Department, Works Circle, Sasaram, by which the financial bid of the petitioner was forwarded without making any recommendation on the same with a request to the Superintending Engineer to make appropriate comments/recommendations on the rate quoted by the petitioner. It is further stated that vide Annexure 'P/3' the Executive Engineer, Rural Works Department, Work Division, Bhabhua called upon the petitioner to provide justification for quoting 10% above the approved rate. The petitioner claims that vide his letter dated 16.08.2018, as contained in Annexure 'P/4', he informed the Executive Engineer giving justification of his Tender and requested for allotment of the same. It is stated that later on vide Annexure 'P/5' he had submitted it to the Superintending Engineer, Rural Works Department, Work Circle, Sasaram that he would be ready to do the work on the approved rate.

The grievance of the petitioner is that till date no



decision has been taken on the financial bid submitted by him.

Learned counsel for the State submits that the petitioner has not acquired any vested right to get the Tender in question as it is well settled in law that merely by participating in the Tender process one does not acquire any right to get the Tender. It is submitted that, in the present case, petitioner had quoted 10% above the approved rate and therefore the justification was called for, however learned counsel is presently not aware of the subsequent developments.

Having heard learned counsel for the parties and on perusal of the records, this court is of the considered opinion that instead of keeping the matter pending before this court, it would be just and proper to direct the Additional Chief Executive Officer – cum – Secretary, Bihar Road Development Authority, Patna to look into the matter keeping in view his letter no. BRRDA (HQ) PMGSY-358/2015 Part-IV 3021 dated 30.07.2018, as contained in Memo No. 748 dated 08.08.2018 (Annexure 'P/2' to the writ application), a decision thereon, if not already taken earlier, be taken within a period of two months from the date of receipt/production of a copy of this order. Whatever decision is taken by the Additional Chief Executive Officer – cum – Secretary, Bihar Road Development Authority,



Patna be communicated to the petitioner within the same period.

Let it be recorded that this court has not gone into the merit of the contentions of the petitioner. It will be open for the Additional Chief Executive Officer – cum – Secretary, Bihar Road Development Authority, Patna (Respondent No. 4) to take an independent view of the matter.

Accordingly, this application stands disposed of.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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