

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9302 of 2019

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M/s Om Construction official address at Mohalla - Ramdeo Nagar, Mahadewa, Siwan, P.O.- Siwan Town, P.S.- Siwan Muffasil, District- Siwan through its Partner namely Satyendra Narayan Singh, aged about 58 years, Gender- Male, Son of Harihar Singh, Resident of Mohalla- Ramdeo Nagar, Mahdewa, Siwan, P.O.- Siwan Town, P.S.- Siwan Muffasil, District- Siwan.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Chief Engineer, Bihar Urban Development Agency, Urban Development and Housing Department, Bihar, Patna.
3. The Superintending Engineer, Bihar Urban Development Agency, Urban Development and Housing Department, Bihar, Patna.
4. The District Magistrate-cum-Chairman, District Urban Development Agency, Gopalganj.
5. The Executive Engineer, District Urban Development Agency, Gopalganj.
6. The Executive Engineer, Nagar Parishad, Gopalganj.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate
For the Respondent/s : Mr.Subash Prasad Singh (GA3)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-05-2019 This writ application has been preferred for a direction to respondent no. 1 to consider the representation of the petitioner dated 19.12.2017 said to have been submitted in the light of order dated 03.08.2017 passed in CWJC No. 9159 of 2017.

It appears that pursuant to the notice inviting tender bearing NIT No. 04/2015-16 was floated with the seal and signature of the Executive Engineer, District Urban Development Agency, Gopalganj with respect to certain items of



work, the petitioner being a registered contractor participated in the tender. The petitioner firm was the single qualified tenderer and therefore the NIT was cancelled and a fresh NIT was issued vide E-Tender no. 01/2016-17. According to the petitioner the technical Tender was opened on its scheduled date in which the petitioner was declared qualified. Thus, once again the petitioner became a single bidder.

It is further case of the petitioner that at this stage a decision was taken for transfer of the pending and proposed scheme sanctioned by the District Level Sanchalan Samiti and District Urban Development Scheme (DUDA) under the Chief Minister Urban Development Scheme to the Chief Minister Urban Nali Gali Strengthening and further work has to be carried out by the concerned Nagar Parishad.

The petitioner submits that the new scheme does not talk about cancellation of any proposed or pending scheme as it is only the executing agency which has changed. The petitioner is said to have represented against the same.

It appears that petitioner had earlier moved this court in CWJC No. 9159/2017. It was heard but after hearing learned counsel for the petitioner the learned writ court did not think it just and proper to interfere with the policy decision of the



government. The petitioner thereafter withdrew the writ application with a liberty to take any legal recourse as also approach the Principal Secretary, Urban Development and Housing Department, Government of Bihar. The learned writ court however did not issue any direction to the Principal Secretary of the Department while disposing of the writ application.

In the aforesaid view of the matter, since the judgment dated 03.08.2017 passed in CWJC No. 9159/2017 has attained finality, this court would be not willing to issue any such direction which was not issued by the learned writ court while disposing of the earlier writ application. The prayer of the petitioner for a direction to the Principal Secretary of the Department to consider and take a decision on the representation of the petitioner would amount to reviewing/modifying the order passed by the learned writ court in CWJC No. 9159/2017. This court would refrain from doing that.

The writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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