

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4348 of 2021

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M/s Magadh Advertising Bureau S.P. Verma Road Police Station Kotwali District Patna through Chitiz, male age about 38 years son of Parimal Resident of A/12 Alkapuri Gardanibag, Gardanibag Boys High School, Fulwari, Patna Bihar 800002 authorized signatory of M/s Magadh Advertising Bureau, S.P. Verma Road Police Station, Kotwali, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Animal and Fisheries Resources Department, Government of Bihar.
2. The Secretary, Animal and Fisheries Resources Department, Government of Bihar.
3. The Bihar Livestock Development Agency, Bihar Veterinary College Campus, Patna-800014.
4. The Project Director, Bihar Livestock Development Agency, Bihar Veterinary College Campus, Patna-800014 through Secretary, Animal and Fisheries Resources Department, Government of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Sinha 2, Advocate
For the Respondent/s	:	Mr.Lalit Kishore (A.G.)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- “i. Issuance of a writ in the nature of certiorari quashing the order dated 23.12.2020 passed by the Project Director whereby and where under he has cancelled Tender PR No. 005835 (Animal) 2020 RFP for Printing and Installation of Hoarding (website tender no. BLDA/842/2020-21) dated 29.08.2020 saying “unavoidable reason”
- ii. Issuance of a writ in the nature of certiorary quashing the Tender dated 30.12.2020 by the

Project Director for the same work which he has cancelled on 23.12.2020 on the ground of “unavoidable reason”

iii. Issuance of an appropriate writ, order or direction directing and commanding the respondents to place the earlier tender matter before the Financial Committee to distribute the work among bidder at L1 rate in interest of work.

iv. Other relief or reliefs to which the petitioner is found entitled for.”

We are of the considered view that the petition only merits rejection.

The respondent department has invited tenders for carrying out certain works of printing and installation of hoardings.

Undisputedly, the petitioner participated and was found to be fully eligible and qualified for award of the work, more so, for the reason that his bid was the highest, but however, before the bid could be finalized, the Technical Evaluation Committee took a decision of suggesting the department for cancelling the tender and issuing fresh NIT. Pursuant to the said decision, the respondent department vide impugned order dated 23rd of December 2020 took a decision of cancelling the process of tender. It has also come on record that subsequently a fresh tender was issued on 30th of December 2020 itself.

In our considered view, the impugned action of the

respondent cannot be said to be mala fide, capricious or arbitrary. The reason to cancel the tender being “unavoidable reason” is based on the suggestions of the Technical Committee for cancelling the tender and issuing fresh NIT

Also, we find that no legal enforceable right accrues in favour of the petitioner only on account of having being found to be the highest bidder. Also, we notice that even though the impugned action is dated 23rd of December 2020/ 30th of December 2020 but however, the present petition was filed on 11th of January 2021 and no request for early hearing of the petition was ever made.

As such on these grounds and for all the aforesaid reasons, we dispose of the present petition.

Interlocutory application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	