

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5488 of 2021

Prakash (The Secretary, Nari Utthan Kendra, Dighwara, Saran) S/o
Madhurendra Prasad, R/o Vill-Chaknur, P.O.-Sadpur, P.S.-Dighwara, District-
Saran-831207.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary-cum-Chairman,
Infrastructure Authority, Govt. of Bihar, Patna.
2. the Principle Secretary Urban Development and Housing Department, Govt.
of Bihar, Patna.
3. The principal secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
4. The Director, Urban Development and Housing Department, Govt. of Bihar,
Patna.
5. The Director, Information and Public Relations Department, Govt. of Bihar,
Patna.
6. The District Magistrate, Saran at Chapra.
7. The Chairman, Nagara Panchayat, Dighwara, Saran.
8. The Executive Officer / Executive Officer In-charge, Nagara Panchayat,
Dighwara, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Tiwary, Advocate

For the Respondent/s : Mr.Lalit Kishore (AG)

For Resp. No. 8 Mr. Ranjeet Kumar Pandey, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-12-2021

Petitioner has prayed for the following relief(s):



- i. The letter no. 10 dated 05.01.2021
(Annex-04 / Page 28) i.e. notice
inviting tender (NIT) issued under
the signature of respondent no.6 may
kindly be quashed as the same has no
sanction of law and the procedure
prescribed in this regard.
- ii. The answering respondent may kindly
be directed to furnish the reason
and rational behind issuing the
above said notification / letter
incomplete deviation / this regard
of the law and the Executive
instructions / departmental
Guideline issued time to time in



this regard, while deciding the objection made by the petitioner on 14.01.2021 (Anex-08/Page45) under the due discharge of statutory obligation.

iii. The petitioner and other similarly situated local bidders / candidates also may kindly allowed to participate into the bid / tender in question likewise earlier tender / bid which was held in the year 2017 - 2018 and on other occasions / years.

iv. The respondents may kindly be directed maintain consistency / transparency / propriety while opening / proceeding / completing



the tender in accordance with the law and the procedure so existing and smoothly adopted by the Government Officials at different places simultaneously.

v. The petitioners application / candidature made under protest for the tender / bid in question may kindly be allowed to / looked into within the four corners of law to ensure substantial justice without being prejudiced with the bonafied / legitimate step so taken by the petitioner innocently in meanwhile.

vi. Any other relief of reliefs also may kindly be allowed for which the



petitioners be found entitled in the opinion of this Hon'ble Court.”

Learned counsel for the petitioner submits that petitioner shall be content if the petition is disposed of with a direction to the authority concerned to consider and decide the representation to be filed, within a period of three months from the date of its presentation.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in



accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.12.2021
Transmission Date	

