

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1228 of 2021**

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R. N. SINGH and CO, Chartered Accountants, 208/209, Hem Plaza, Fraser Road, Patna-800001, through Chanakya Shree (Partner), aged about- 45 years, Male, Son of Sri Trishul Dhari Prasad Sinha, R/o Flat No. 602, Banshi Apartment, R K Bhattacharya Road, P.s.- Gandhi Maidan, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Additional Chief Secretary, Bihar Panchayati Raj Department, Patna.
2. The District Magistrate, Patna.
3. The Deputy Development Commissioner, Nalanda.
4. The District Panchayat Raj Officer, Nalanda.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Raju Prasad, Advocate

For the Respondent/s : Mr.Lalit Kishore, AG

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 06-12-2021**

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

i. For issuance of writ in the nature of mandamus and directing and commanding the Respondent authorities for setting aside the Memo No.2179/P.dt.22.09.2020, Which was issued by the District Magistrate, Nalanda. Whereby and where under the District Magistrate, Nalanda has not considered the proposal of the petitioner and treated the petitioner as ineligible Chartered Accountant Firms for empanelment as Statutory Auditor for the Audit of 3 tire Panchayati Raj Institutions and Gram Kutchary (GP/PS/ZP/GK).

ii. The Petitioner w.r.t the RFP issued on 12/06/2020, has already prepared the DD for Cost of RFP and Earnest Money Deposit of Rs. 3,000/= and Rs. 25,000/= respectively in the favor of D.P.R.O Nalanda as provided in the said RFP. However, the 2<sup>nd</sup> RFP issued in this respect on 10/07/2020, for the same work, only one point relating to DD has been changed requiring that DD should be in favor of District Magistrate, Nalanda. However, as we have already prepared the DD and the Covid Pandemic was at its peak and it was very difficult to cancel the DD and prepare the new DD. Besides, under such pandemic situation, this issue is not such a major thing as we have paid the Cost of RFP and EMD as required in the favor of D.P.R.O, Nalanda. So, the rejection of tender of petitioner is totally inhuman & and needs to be quashed.

iii. For further direction to the respondent's authority to consider the objection filed by the petitioner and further direction to the respondent authority to issue fresh publication for aforesaid matter for the sake of Justice.

Iv. And any other relief/reliefs as your Lordships may deem fit and proper.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and

preferably within a period of eight weeks from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of eight weeks from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

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

(e) 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;

(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action; and

(g) We have not expressed any opinion on merits. All issues are left open; and

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

ranjan/-

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