

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17010 of 2021

1. Raj Informatics Construction through its sole proprietor Bharat Kumar Singh, Male, Aged about- 49 Years, S/o- Late Baldev Singh, Resident of Mithapur, B- Area, D.N. Singh Lane, P.S.- Jakkanpur, District- Patna.
2. Singh Services through its sole proprietor Sanjeev Kumar, Male, Aged about- 38 Years, S/o- Rajendra Singh, Resident of Village- Kripaganj, P.S.- Ben, District- Nalanda.
3. M/S Krishna Construction through its Partner Awdhesh Kumar Singh, Male, Aged About- 58 Years, S/o- Late Munrika Singh, Resident of Abhyanta Nagar, Ashiyana Nagar, P.S.- Rajeev Nagar, District- Patna.
4. Neelam Printers and General Order Suppliers through its Partner Satendra Narayan Singh, Male, Aged About- 47 Years, S/o- Late Jagdish Singh, Resident of Village- Veer Kunwar Singh Nagar, New Area, P.S.- Aurangabad, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary Health Department Government of Bihar, Patna.
2. The Principal Secretary Health Department Government of Bihar, Patna.
3. District Health Society, Nalanda through its Member Secretary, the Civil Surgeon, Nalanda.
4. The District Magistrate cum Chairman, District Health Society, Nalanda
5. The Additional District Magistrate cum Chairman, Tender Comittee, Nalanda
6. Yogendra Singh, The District Magistrate cum Chairman, District Health Society, Nalanda.
7. Prabhakar Enterprises through its Proprietor Rajiv Kumar Ramanndi Singh having its Registered Office at 48, Padmavati Nagar, Nr. Rajpipla Road, Ankleshwar- 393002 Gujrat.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Archana Sinha, Adv. Mr.Arvind Kumar, Adv.
For the DHS	:	Mr. K.K.Sinha, Adv.
For the State	:	Mr. Nagendra Kumar, AC to AAG-9

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-10-2021

The present writ petition has been filed



seeking the following relief:-

"For issuance of a writ in the nature of certiorari to quash the order dated 11.9.2021 (Annexure-2) by which the Respondent No. 3 have cancelled the tender of cleaning services after the petitioners were declared as L1, without issuance of any show cause notice or hearing them and in violation of principles of natural justice, illegally and malafidely without any reasons."

The learned counsel for the petitioners, Ms. Archana Sinha, assisted by Sri Arvind Kumar, Advocate, submits that though the petitioners have been declared as L1, but it appears that their bid has not been considered and instead, the bid has been cancelled on account of the fact that proper power of attorney has not been given by the petitioners and the respondents. The learned counsel for the petitioners submits that as per the bid document, no power of attorney was required to be furnished and only on the basis of oral



direction of the District Magistrate, Nalanda, additional clause bearing clause no. 3.1 has been sought to be incorporated in the fresh bid and now, it has been postulated that "if an agent submits bid on behalf of the Registered Company under Companies Act 1956/2013/Partnership Firm/LLP firm/ Proprietorship Firm/ Trust/Society, he must have authorization for participation and submission of bid through power of attorney, otherwise such bid shall be rejected. Power of attorney must be as per applicable Law".

The learned counsel for the petitioners has further submitted that only in order to favour the private Respondent No. 7, the bid in question has been cancelled without assigning any reason whatsoever. Thus, it is submitted that the action of the Respondent authorities is arbitrary and perverse.

The learned counsel for the State, Sri Nagendra Kumar (AC to AAG-9), submits that in case, the petitioners approach the District Magistrate, Nalanda, by filing appropriate



representation, their concern would definitely be addressed.

I have heard the learned counsel for the parties and perused the materials on record from which it is apparent that a decision has been taken to cancel the bid in question without assigning any reason in an arbitrary manner, thus, this Court finds that it would be appropriate to relegate the petitioners to the remedy for approaching the Respondent-District Magistrate, Nalanda for the purposes of redressal of their grievances inasmuch as they have been declared L1. In such view of the matter, this Court would grant liberty to the petitioners to file appropriate representation, within a period of one week from today and in case, such a representation is filed, the same shall be considered objectively by the learned District Magistrate, Nalanda and appropriate orders shall be passed, in accordance with with.

It is needless to state that till appropriate decision is taken by the District Magistrate, Nalanda, upon the representation of the



petitioners, no final decision shall be taken with regard to the work in question pertaining to the bid issued on 7.8.2021 or for that matter, the second bid issued on 30.9.2021.

The present writ petition stands disposed on the aforesaid terms.

(Mohit Kumar Shah, J)

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