

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1669 of 2022

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Dhananjay Kumar, Son of Santan Sharma, Resident of Village - Sona,
Piprawan, P.S. - Naubatpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Vishweshwariya Bhawan, Bailey Road, Patna.
2. The Engineer - in - Chief, Rural Works Department, Vishweshwariya Bhawan, Bailey Road, Patna.
3. The Technical Bid Evolution Committee, through its Chairman, Chief Engineer -1, Rural Works Department, Patna.
4. The Chief Engineer - 1, Rural Works Department, Bihar, Patna.
5. The Superintending Engineer, Rural Works Department, Work Circle, Patna.
6. The Executive Engineer, Rural Works Department, Works Division, Paliganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lal Babu Singh, Advocate

For the Respondent/s : Mr. Kumar Alok, SC 7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 21-03-2022 Petitioner has prayed for the following relief(s):- ..

- (i) For quashing of the decision of the respondent Technical Bid Evolution Committee dated 16.12.2021 contained in Memo No. 4327 (Annexure-2) whereby and where under the petitioner has been declared disqualified in Technical Bid in connection with Package No. MR - N/2021-22/Paliganj/01 for the work of Rectification and 5 years Maintenance Work (Tender ID No. 113871) under Paliganj Works Division.



- (ii) For quashing of the further decision of the respondent Technical Bid Evolution Committee dated 12.01.2022 contained in Memo No. 97 (Annexure-4) whereby the complaint of the petitioner has been rejected and the petitioner has been again declared disqualified and other bidders have been declared qualified including the bidder who has been debarred by Road Construction Department, Bihar.
- (iii) For a direction to the respondents to declare the petitioner qualified in Technical Bid and open his Financial Bid.
- (iv) For appropriate declaration that:-
 - a) The petitioner is qualified in the Technical Bid as he fulfills all criteria of the Notice Inviting Tender and the petitioner has already provided the consent letters of two personnel having Graduate Degree in Civil Engineering, consent letter of one personnel having Diploma in Civil Engineering and also consent letters of three personnel having Matriculation Degree for Works Supervisor.
 - b) The decision of the respondent Technical Bid Evolution Committee is discriminatory as the Bidder who is debarred from participating in the tender by Road Construction Department, Bihar for fraudulent practices has been declared qualified and the petitioner who fulfills almost all conditions of the Notice Inviting Tender has been declared disqualified.
 - c) The decision of the respondent Technical Bid Evolution Committee suffers from the vice of discrimination, arbitrariness, unreasonableness and lacks impartiality and transparency and thus, the decision is unsustainable on facts and law.
- (v) For any other relief(s) or consequential relief(s) to which the petitioner may be found entitled to in the facts and circumstances of this case.

Learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to file a fresh petition, on the same and subsequent cause of action, in accordance with law, if so required and desired.

Permission granted with liberty, as prayed for.

As and when any such petition is filed, the same



shall be processed and listed on expeditious basis.

Instant petition stands disposed of as withdrawn in the
aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

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