

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7873 of 2021

Vishwajeet Kumar, aged about 39 years, male, Son of Ajab Lal Sah Resident of near Reliance Footprint, Rajkumar Ganj, P.S.- Rajkumar Ganj, District-Darbhangha.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Chairman, District Transport Committee, Madhubani.
3. The Bihar State Food and Civil Supplies Corporation, Patna through its Managing Director.
4. The District Manager, Bihar State Food and Civil Supplies Corporation, Madhubani.
5. Sri Vinit Kumar Resident of Village- Pandasarai, Laheriasarai, District-Darbhangha.
6. Sri Ganesh Kumar Mandal Resident of Village and Post- Tengrahan, P.S.- Bheja, District- Madhubani.
7. Sri Siyasharan Jha Resident of Village- Makranda, P.O.- Manigachhi, District- Darbhanga.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Prashant Sinha, Adv.
For the Respondent- BSFC	:	Mr Shailendra Kumar Singh Adv.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 10-02-2022 This matter has been taken up for hearing online because of *COVID-19* pandemic restrictions.

2. The Bihar State Food and Civil supplies Corporation issued a notice inviting tender (NIT) No. 5784 on 08.07.2020 for selection of transporter, handling-cum- supply



contractors to carry out the storage and transportation of foodgrains and other civil supplies items meant for distribution through targeted public distribution system in the District of Madhubani. Pursuant to the said NIT, the petitioner had submitted his bid. His technical bid was rejected on 06.02.2021 in the meeting of the District Transport Committee of the Corporation. It is the petitioner's case that subsequent to rejection of his technical bid, objection was invited against the said rejection. The petitioner had submitted his objection soon thereafter. However, subsequently, financial bid was opened on 13.02.2021. It is the petitioner's case that before finalizing the tender, in favour of the private respondent, the petitioner's objection against the rejection of the technical bid was not considered.

3. Mr. Prashant Sinha, learned counsel appearing on behalf of the petitioner, has submitted that non consideration of the petitioner's objection filed against the rejection of his technical bid vitiates the entire tender process and the finalization of tender in favour of private respondent Nos. 5 to 7.

4. A copy of NIT has been brought on record by way of Annexure-1 to the writ application; clause 12(xiii) of which



reads as under:

“The Corporation reserves the right to reject any or all the Tenders/bids without assigning any reason whatsoever or to divide the work of one district amongst more than one technically qualified bidders at L1 rate against which no representation will be entertained.”

5. We do not find any force in the submission made on behalf of the petitioner that non-communication of any decision on the petitioner’s objection against rejection of his technical bid vitiates the final outcome of the tender process. Further, considering the fact that the work has been awarded long back in favour of private respondents, this Court, in exercise of power under Article 226 of the Constitution of India, is not inclined to interfere in the realm of an executive decision in relation to award of contract which, in common parlance, is called ‘tender jurisdiction’ of the executive.

6. In view of the aforesaid, this application is dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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