

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6552 of 2022**

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M/s Asian Construction Vishwanath Nagar, Begusarai, Bihar 851101 through its partner Bipin Kumar Singh (male), aged about 53 years, Son of Late Ram Pratap Singh, Resident of Ward No.20, Cheriya Bariyarpur, P.O. Sripur, P.S. Cheriya Bariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Director, Municipal Administration, Urban Development and Housing Department, Government of Bihar, Patna.
4. Bakhri Nagar Parishad, P.O. and P.S. Bakhri, District- Begusarai through the Administrator.
5. The Administrator, Bakhri Nagar Parishad, P.O. and P.S. Bakhri, District- Begusarai.
6. The Executive Officer, Bakhri Nagar Parishad, P.O. and P.S. Bakhri, District- Begusarai.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. S.B.K.Manglam, Advocate |
|                      |   | Mr.Awnish Kumar, Advocate   |
| For the Respondent/s | : | Mr. Subhash Pd. Singh, GA 3 |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 20-06-2022**

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

“(i) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the Short Notice Inviting Tender No. 04/2021-22 (E-PROC) published under the authority of Respondent no. 6 through his memo no. 391 dated 30.03.2022 as also the Corrigendum to the said Short Tender Notice issued



by the Respondent no. 6 and contained in his letter no. 439 dated 13.04.2022 whereby and whereunder tender was invited from the eligible tenderers under Solid Waste Management Rules, 2016 for collection of door to door solid waste and for drainage clearance work (with extended area) for the financial year 2022-23 on the ground that the conditions for eligibility for submission of technical tender has been made so stringent to restrict the entry of bidders which was not there in the notice inviting tender for the financial year 2021-22 for the purposes of awarding of same work.

(ii) For a declaration that the eligibility conditions contemplated under paragraph no. 13B(iv) and 13B(vi) of the tender documents are totally illegal and unreasonable for the reason that if for the purposes of solid waste management, there are other organizations also which appoint contractors for solid waste management of Organization/Institution. The experience of solid waste management under the municipality as contemplated under clause 13B(iv) of the tender notice has been deliberately inserted to avoid participation of other tenders, who might have experience of solid waste management of more than five years but of a different organization.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

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



if so required and desired.

Permission granted with liberty as prayed for.

Liberty also reserved to the petitioner to make a mention for listing of the petition on priority basis. As and when any such mention is made, Registry shall take steps for listing the petition at the earliest.

Instant petition stands dismissed 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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