

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6772 of 2022**

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Amit Singh Son of Late Nivas Singh, Resident of Village-Paharpur, Post Office-Dariyapur, Police Station-Barahaiya, District-Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
4. The Executive Engineer, Work Division, Lakhisarai, Rural Works Department, Bihar.
5. The Technical Bid Evaluation Committee through its Members, Pradhan Mantri Sadak Yojana, Work Division, Lakhisarai
6. The Chief Engineer-2, Rural Works Department, Government of Bihar, Patna as Member of the Technical Bid Evaluation Committee, Pradhan Mantri Gram Sadak Yojana, Work Division, Lakhisarai.
7. The Superintending Engineer, Work Division, Munger, Rural Works Department, as Member of the Technical Bid Evaluation Committee, Pradhan Mantri Gram Sadak Yojana, Work Division, Lakhisarai.
8. The Executive Engineer, Office of Chief Engineer-2, Rural Works Department as Member of the Technical Bid Evaluation Committee, Pradhan Mantri Gram Sadak Yojana, Work Division, Lakhisarai.
9. Nishant Kumar Son of Unknown, Resident of Paach Mahala Jalalpur, Via-Barahiya, Police Station-Maranchi, District-Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Pratik Kumar Sinha, Advocate |
| For the Respondent/s | : | Ms. Archana Meenakshee (Gp6)     |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

**Date : 21-06-2022**

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- i) To issue a Writ in nature of Certiorari for quashing the decisions dated 20.09.2021, 20.01.2022 and 18.04.2022 taken by the Technical Bid Evaluation Committee, Pradhan Mantri Gram Sadak Yojana, Work Division, Lakhisarai to the extent the petitioner's bids are concerned whereby the petitioner's bids were declared disqualified as per clause 4.8 of Instructions to Bidder (Section-1) of Standard Bidding Document as same is in teeth of law laid down by Hon'ble Supreme Court and Hon'ble Patna High Court
- ii) Consequent upon quashing of the same, issuance of writ in the nature of Mandamus commanding the respondents to declare the petitioner's bids documents valid and to hold the bids documents eligible for subsequent selection.
- iii) Or alternatively, To issue a Writ in the nature of Mandamus commanding the respondents to start the tendering process afresh.
- iv) To any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of the case.

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to respondent no.3, **the Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna** to

consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the 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 four months 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 on 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 the grievance(s);

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

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due

opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

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

(g) 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;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

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

The petition stands disposed of in the aforesaid terms.

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

**(Sanjay Karol, CJ)**

Sanjay/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 23.06.2022 |
| Transmission Date | NA         |

**( S. Kumar, J)**