

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6937 of 2022

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M/s R.S. Constructions, A Partnership Firm having its registered office at Swami Sahajanand Colony, Bhagwanpur, P.S. Sadar, District Muzaffarpur, through its registered partner, Sanjay Kumar Sharma, male, aged about 44 years, s/o Shri Sukhdeo Sharma, r/o Swami Sahajanand Colony, Bhagwanpur, P.S. Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. State of Bihar through Chief Secretary 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. Chief Engineer, Rural Works Department Works Department, Sitamarhi.
5. Superintending Engineer, Rural Works Department, Works Division, Sitamarhi.
6. Executive Engineer, Rural Works Department, Works Division, Belsand, Sitamarhi.
7. Divisional Accounts Officer, Rural Works Department, Works Division, Belsand, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate
For the Respondent/s : Mr.Ajay (GA-5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-06-2022

Heard learned counsel for the parties.

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

“(i) For issuance of writ(s), order(s) or direction(s) particularly in the nature of certiorari or any other writ(s) or direction(s) to quash and set aside Memo No. 314 dated 26/03/2022 containing the decision taken by the Technical Bid Committee whereby the petitioner has been declared ineligible for technical bid for Bid ID 498907 in connection with Tender Reference No.

BR33P3R18 on the ground of an Action Taken Report is pending in a previous work assigned to the petitioner.

(ii) For issuance of a writ in the nature of mandamus or a writ of mandamus or any other writ of the like nature thereby directing the respondents to consider the petitioner as having successfully qualified the technical bid for Tender Reference No. BR33P3R18.

(iii) For issuance of a writ in the nature of mandamus or a writ of mandamus or any other writ of the like nature thereby directing the respondents to refrain from allotment of work with respect to the Tender Reference No. BR33P3R18 till pendency of this writ petition.

(iv) For further issuance of writ in the nature of mandamus or a writ of mandamus or any other writ of the like nature thereby directing the respondents to cancel any allotment of work in favour of any person other than the petitioner with respect to the Tender Reference No. BR33P3R18 if the petitioner is found to be eligible for the bid.

(v) For issuance of any other writ(s), order(s), or direction(s) for which the petitioner is entitled for.”

After the matter was heard for some time, finding the Bench not to be in favour of the submission made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petition, in its present form, may be permitted to be withdrawn reserving liberty to file afresh with better particulars on the same and subsequent cause of action, if so required and desired.

Prayer allowed.

Petition is disposed of as withdrawn with the liberty aforesaid.

As and when such petition is filed, registry shall

process it immediately and have it listed before the appropriate Court.

Also liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	