

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9448 of 2019**

Manoj Kumar Yadav, Son of Sri Bhageshwar Prasad Resident of Village-  
Mahthaur, P.S.- Laukaha, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Patna
2. The Engineer In Chief Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer-3 Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer Rural Works Department, Works Circle, Darbhanga.
5. The Executive Engineer Rural Works Department, Works Division, Phulparas, District- Madhubani.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                                                        |
|----------------------|---|------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr.Suraj Narain Yadav, Advocate<br>Mr. Arvind Kumar, Advocate<br>Ms. Annu Shree, Advocate<br>Ms. Pooja Shree, Advocate |
| For the Respondent/s | : | Mr. Kameshwar Pd. Gupta, GP-10                                                                                         |

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 11-10-2022**

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

“1. That this is an application for issuance of a writ in the nature of certiorari to quash the letter no. 260 dated 09.03.2019 issued by the Engineer In Chief, Rural Works Department, Government of Bihar, Patna so far the direction to cancel tenders in which some of the contractors did not submitted required original documents and attempted to affect the tender process adversely and further for issuance of a writ in the nature of mandamus and or any other appropriate writ, order or direction commanding the respondents to proceed with



the tender process i.e. Financial bid and so on for construction of 1.561 KM road from TBA to Nathopur via- Bisanpur under Phulparas Works Division at Sl. No.185 being Tender I.D. No.69669 of NIT (No. RWD/MMGSY 07/2018-19/07).”

Having heard learned counsel for the parties, we are of the considered view that the petitioner has not made out a case for interference with the impugned order dated 09.03.2019 (Annexure-4, Page 27).

There is nothing on record to establish that the petitioner had submitted the documents in original as per Notice Inviting Tender, which was essentially required to be submitted. It appears that a complaint was received against the functionary of the State, who was finalising tenders and awarding work without compliance of the mandatory conditions. It appears that the complaint was received by the Minister Incharge, who directed the authorities to examine the issue, prayed therein.

It is the result of such exercise, finding the petitioner not to have complied of the essential conditions of the NIT, the authorities have passed the impugned order dated 09.03.2019.

We notice that in the affidavit, respondents have successfully have explained the entire process with which, we do not find any fault. Also, there is no rebuttal thereto.

As such, the present petition, in its present form,



only merits rejection.

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

**(Sanjay Karol, CJ)**

**( Partha Sarthy, J)**

Sujit/Ashwini

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