

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14283 of 2021

=====

M/S Mgandhi Contractors Pvt. Ltd. Registered office, VIP Colony, P.O. - HPO, Nawada, Distt. - Nawada, through its Director, Sanjay Kumar, aged about 47 years, S/o - Bhaltu Mahto, R/o ward no. 2, Nabi Nagar, PO and PS Nawada, Distt. - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar, through The Chief Engineer, Rural Works Department, Bihar, Patna.
2. The Chief Engineer, Rural Work Department, Bihar, Patna.
3. The Secretary, to Chief Engineer - I, (Adm.), Rural work Department Bihar, Patna.
4. The Executive Engineer, Rural Work Division, Gaya Division Gaya.
5. The Superintendent Engineer, Rural Work Division, Gaya at Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
For the Respondent/s : Mr.Kameshwar Pd. Gupta (Gp10)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 17-01-2022

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

(i) To issue an appropriate writ CERTIORARI in the nature setting aside the decision as contained in memo no. 2730 dt. 26/07/21 taken in minutes of meeting of Technical Bid Committee comprising of the respondents no. 2 to 4 with regards to petitioner by which petitioner's firm which appears at sl. 3, has been declared incompetent as petitioner has not furnished that he is a teacher either in his affidavit or in bid documents, and further to take action as per SBD and Bihar Contractors Registration Rule.

(ii) Further to issue direction to declare petitioner as successful in technical bid.



- (iii) Further direction may be issued to award the contract if petitioner is found L-1, in financial bid.
- (iv) Further to restrain the respondents not to issue new tender till the final decision of the present case.
- (v) To any other relief (S) for which petitioners are entitled for in the facts and circumstances of the case.

Learned counsel for the petitioner submits that during the pendency of the present petition, the process of tender in question was scrapped and fresh NIT issued by the Rural Works Department. Petitioner states that he could not participate pursuant to the subsequent process on account of pendency of the present petition.

Well, we do not find favour with such a submission, for nothing precluded him from doing so. It was always open for the petitioner to participate in the process whereby tenders were invited. This was done in the month of September, 2021. In our considered view the present petition has become infructuous.

At this stage, learned counsel for the petitioner states that the petitioner shall be content if he is permitted to approach the Respondent No. 5 namely The Superintendent Engineer, Rural Work Division, Gaya, who, perhaps, have authority and jurisdiction to extend the date of submission of the bids.

We do not express any opinion on the merits but



as prayed for by the petitioner, we allow the petitioner to approach the said respondent no. 5

Also, we have not expressed any opinion on the merits of the case, also on the issue, as to whether the date is extendable or not. It is solely the domain of the authority.

However, we do expect that the appropriate authority shall consider and decide the petitioner's request expeditiously and preferably within a period of two months from the date of its presentation.

If aggrieved, the petitioner shall have liberty to take recourse to such other remedies as are permissible in law, including approaching this Court on a subsequent cause of action.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.01.2022
Transmission Date	

