

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10531 of 2022

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Ajay Kumar Pandey, S/o Late Sheosagar Pandey, Resident of Village-
Kanhara Hardas, P.O- Kanhara, P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Bihar, Patna.
2. The Chief Engineer (North), Building Construction Department, Bihar, Patna.
3. The Superintending Engineer, Building Construction Department, Building Circle, Muzaffarpur.
4. The Executive Engineer, Building Construction Department, Building Division, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate
For the Respondent/s : Mr.Manoj Kumar Ambastha, SC-6

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

Date : 03-11-2022

The petitioner has prayed for the following relief/s :-

“(i) To issue an appropriate order/s direction/s including a writ preferably in the nature of CERTIORARI for quashing the letter No. 923 dated 02-05-2022 of the respondent Executive Engineer, Building Division, Muzaffarpur whereby and where under the petitioner has been debarred from participating in tender pursuant to action taken in the meeting of technical bid evaluation committee at circle level held on 05-04-2022 by the Superintending Engineer, Building Circle, Muzaffarpur.



- (ii) To direct the respondent No. 1 and 2 to enquire into the matter of breach of confidentiality of tender NO. 22 by a cyber expert to retain confidentiality of the tender.
- (iii) To direct the respondent No. 1 to enquire into the matter as to why the Executive Engineer, Building Construction Department, Building Division, Muzaffarpur has re-opened the technical bid using Digital signature certificate providing the same other contractor on the Gmail address to benefit someone else.
- (iv) To any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

Having heard learned counsel for the parties as also perused the record, we are of the considered view that the operative portion of communication dated 2nd of May, 2022 (Annexure-5, Page 26), insofar as, petitioner stands restrained from participating in the future tender awaiting the guidelines sought for needs to be quashed on the ground; (a) the order is non-speaking; (b) it does not assign any reasons whatsoever; and (c) in awaiting guidelines, the authority could not have prejudged the issue holding the petitioner guilty of having breached the terms of the NIT or the guidelines framed dealing with the contractors.

As such, to this extent the communication dated 2nd of



May, 2022 (Annexure-5, Page 26) is quashed and set aside
reserving liberty to the respondents to take appropriate action
strictly in accordance with law.

Instant petition stands disposed of in the aforesaid
terms.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Spd

AFR/NAFR	
CAV DATE	
Uploading Date	4/11/2022
Transmission Date	

