

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11551 of 2022

Abhinash Kumar, son of Rameshwar Singh, resident of village - Sehuka,
Police Station - Ramgarh, District - Kaimur, Bhabua - 821110

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar - 800001.
2. The Secretary, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar - 800001.
3. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar - 800001.
4. The Executive Engineer, Rural Works Department, Work Division, Mohania, District - Kaimur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Respondent/s : Smt. Archana Meenakshee, GP-6

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-08-2022

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

- i. In the nature of mandamus, directing the Respondents, to comply with the conditions of the Instruction to Bidders (for brevity "ITB") in its letter and spirit and undertake necessary and consequential steps in furtherance thereto and the Letter of Award, contained in, Letter No. 1066,



dated 17.06.2022, issued, in terms of Clause 29.1 of the ITB, with respect to, construction of the road namely, (MRL05- FROM RCD ROAD GARRA TO PARSOTIMP UR VIA KANHUA, MUSLIM TOLA), including but not limited to the execution of the Agreement in favour of the Petitioner and other ancillary documents;

- ii. For a further direction upon the respondent to endorse and acknowledge the earth work, worth 15,00,000.00 (Fifteen Lacs Only) executed pursuant to the Letter of Ward and considering the period of completion, in view of clause 2 of Section 1 i.e. (365 Days); and/or for any other relief[s] for which the Petitioner may be found entitled to in the facts & circumstances of the present case.

Learned counsel for the respondent invites our attention to Clause 29 of the NIT as also the decision rendered by various courts.

As such, in view of the same, we dispose of the present petition reserving liberty to the petitioner to represent respondent No. 4, namely, the Executive Engineer, Rural Works Department, Work Division, Mohania, District-Kaimur, venting out the grievances, subject-matter of the present petition.



Without expressing any opinion on merits, leaving all questions of fact and law open, the present petition is disposed of with the liberty aforesaid.

We expect that the appropriate authority shall consider and decide the petitioner's application/request expeditiously and preferably within a period of two months from the date of its presentation.

While considering such request, the period for which the petitioner has been pursuing the present petition shall not be counted for the purposes of limitation.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to challenge the order, if required and desired.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	22.08.2022
Transmission Date	

