

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13557 of 2022

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M/s R Construction Proprietor Amit Kumar Jha, (male) aged about 41 Years,
S/o- Dilip Kumar Jha, Resident of Village- Harina, Post- Harina, P.S.- Harna,
District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Rural Works Department, Govt. of Bihar, Patna.
2. The Principal Secretary Rural Works Department, Govt. of Bihar, Patna.
3. The Engineer- in-Chief Rural Works Department, Vishveshwarya Bhawan, Bailey Road, Patna.
4. The Nodal Officer, PMGSY (Pradhan Mantri Gram Sadak Yojana), Bihar, Patna.
5. The Chief Engineer- 3, Rural Works Department, Govt. of Bihar, Patna.
6. The Superintendent Engineer Rural Works Department, Work Circle, Madhubani.
7. The Executive Engineer, Rural Works Department, Work Division, Jhanjharpur, District- Madhubani.
8. M/s Yadubansh Kumar Singh S/o Late Suryanandan Singh R/o Village- Budhkara, P.S.- Katara, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Smt. Archana Meenakshee (GP-6)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-09-2022

Heard learned counsel for the parties.

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

- (i) For issuance of an appropriate writ in the nature of certiorari for quashing the decision dated 24.08.2022 and 31.08.2022 of the Technical Bid Committee with respect to respondent no.08 by which contrary to clause-35 of Notice Inviting Tender (NIT hereinafter) the respondent no.08 has declared qualified in Bid Id no. 514092 arising out of Tender Id No. 119121 in its first meeting dated 24.08.2022 and even in its re-meeting dated 31.08.2022 respectively.
- (ii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the Respondents to declare the Bid Id no. 514092 arising out of Tender Id No. 119121 of the respondent no.08 as disqualified, as the same is in contravention of clause 35 of NIT and moreover, the same is also contrary to direction issued by respondent no.02 contained in memo no. 489 dated 28.01.2021, since under the similar circumstances the Technical Bid Committee has declared disqualified to others, apart from it the respondent no.08 has also not provided separate affidavit of engineers under whose supervision tender work has to be executed.
- (iii) For a declaration that respondent no.08 is disqualified in Technical Bid in Bid Id No. 514092 arising out of the 119121 therefore, can not eligible to participate in the financial bid going to be opened any day.
- (iv) For issuance of any other appropriate writ/s, order/s, direction/s for which the writ petitioners shall be found entitle under the facts and

circumstances of the case.

We have perused the NIT dated 04.06.2022 (page-20, Annexure-4), which *inter alia* contained the following conditions:-

“34. As per RWD Letter No. 511 dated 31.01.2020 the Advocate Welfare stamp duty fee for affidavit shall be Rs. 25.00 only.

35. As per RWD Letter No. 489 Annex. dated 28.01.2021 bidder should have to upload valid Character Certificate alongwith tender documents.”

It is the petitioner's grievance that despite such condition, the circular dated 25.01.2021 (Annexure-2 page-16) as also the communication Annexure-5, page-25 dated 03.08.2022, one Shri Jadubansh Kumar Singh, who had not submitted his character certificate, has been declared to have been technically qualified in the bid in question.

Mrs. Archana Meenakshee, learned counsel for the respondents states that the present petition is premature, inasmuch as, no decision on the final bid stands taken.

We dispose of the present petition with direction to respondent no. 3 to ensure that the process of bidding is completed expeditiously, strictly in accordance with the terms and conditions of the tender and the instructions issued by the government, as applicable in terms of the tender conditions.

Learned counsel undertakes to communicate the order during the course of the day.

Needful be positively done within the time stipulated in the NIT or within two months from today, whichever is later.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	