

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14779 of 2022

=====

Parmatma Tiwari son of Ram Naresh Tiwari resident of Village- Urda, Police Station- Chenari, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar- 800 001
2. The Secretary, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar- 800 001
3. The Engineer-in- Chief, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar- 800 001
4. The Superintending Engineer, Rural Works Department, Work Circle, Sasaram.
5. Executive Engineer, Rural Works Department, Works Division- 1, Sasaram.
6. Amit Kumar Singh, son of Ram Lakkhan Singh, resident of 229, Company Saray, Civil Lines, Police Station- Sasaram, District- Rohtas.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Mr. Kameshwar Pd. Gupta, GP-10
		Mr. Anwar Karim, A.C. to G.P. 10

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-11-2022

Heard learned counsel for the parties.

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

- i. In the nature of certiorari, for quashing of the part of the decision, contained at S.No. 1, rendered and communicated, vide, memo no. 723 (in connection with Tender Id No. 119863, Pkg. No. BR28P3R04),



dated 14.09.2022, by the Technical Bid Committee whereby the Committee after evaluation found bid of the respondent no. 6 to be substantive responsive and further qualified the respondent no. 5 in Part - I i.e. Technical Part despite the respondent no. 5 failed to meet the qualification embedded in sub-clause(d) of clause 4 of the Instruction to Bidders (for brevity "ITB");

- ii. In addition, for issuance of a writ in the nature of mandamus, directing the respondents to consider, act upon and dispose of the complaint made, in terms of sub-clause 22.6 of clause 22, made by the petitioner;
- iii. Furthermore, for issuance of a writ in the nature of mandamus, restraining the respondents from proceeding further in connection with the tender process abovementioned w.r.t. Tender Id No. 119863, Pkg. No. BR28P3R04, in other way, not to evaluate the part-II i.e. Financial Part of the Bidders participated in connection with the tender supra 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 petitioner states that Prayer Clause (ii) and (iii) has become infructuous. In so far as Prayer Clause (i) is concerned, petitioner has already instituted another petition being C.W.J.C. No. 14513 of 2022, titled as Parmatma



Tiwari Vs. The State of Bihar, in which petitioner shall pursue the said relief.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	04.11.2022
Transmission Date	

