

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15012 of 2022

=====

Anil Kumar Prasad son of Birendra Kumar Prasad, resident of 27-C, Pocket-A1 LIG Flats, Mayur Vihar, Phase- 3, Vasundhara Enclave S.O., East Delhi, Delhi- 110096 presently residing at Village- Orma Utar Tola, Post Office- Hakam, P.S.- Mufassil, Siwan, District- Siwan, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
4. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
5. The Engineer in Chief-cum- Additional Commissioner-cum- Special Secretary, Building Construction Department, Government of Bihar, Patna.
6. The Superintending Engineer, Works Circle, Siwan, Rural Work Department, Government of Bihar, Patna.
7. The Chief Engineer- IV (Head Quarter-cum- Nodal Officer, Maintenance), Rural Work Department, Government of Bihar, Patna.
8. The Chief Engineer- III, Rural Work Department, Government of Bihar, Patna.
9. The Chief Engineer, Rural Works Department, Work Division, Siwan- 01.
10. The Executive Engineer, Rural Works Department, Work Division, Siwan- 01.
11. The Technical Bid Evaluation Committee in relation to N.I.T. no. M.R.- 3054-13/2022-23 represented through Engineer-in- Chief, Rural Works Department, Government of Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ashish Giri, Advocate
For the Respondent/s : Mr. Archana Meenakshee, GP 6

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 05-12-2022 Petitioner has prayed for the following relief(s):-



“i) To issue a writ/ order/ direction in the nature of certiorari for quashing of the proceeding/decision of Technical Bid Evaluation Committee dated 16.09.2022 by which the petitioner has been declared disqualified with regard to work under Work Division, Siwan-2 bearing M.R.-N/2022-23 Siwan-2/05 issued under N.I.T. bearing M.R.-3054-13/2022-23 for the reason that the Bank's Certificate submitted by the petitioner is conditional which is contrary to the requirement of Clause-4.2(g) and also for the reason that one A.T.R. is pending against the petitioner which also disqualify the petitioner from tender as per Clause- 4.7 (ii) of the M.B.D. (Annexure- 4 Pg.35).

ii) To issue a writ/ order/ direction in the nature of certiorari for quashing of the proceeding/decision of Technical Bid Evaluation Committee dated 29.07.2022 by which the petitioner had earlier been declared disqualified with regard to work under Work Division, Siwan-2 bearing M.R.-N/2022-23 Siwan-2/05 issued under N.I.T. bearing M.R.-3054-13/2022-23 for the reason that the Bank's Certificate submitted by the petitioner is conditional which is contrary to the requirement of Clause-4.2(g) of the M.B.D. (Annexure- 2 Pg31).

iii) To hold and declare that the petitioner is



technically qualified for awarding contract with regard to work under Work Division, Siwan-2 bearing M.R.-N/2022-23 Siwan-2/05 issued under N.I.T. bearing M.R.-3054-13/2022-23 issued by the Respondent Rural Work Department and accordingly direct the Respondents to consider the financial bid of the petitioner prior to finalizing the tender.

iv) To pass interim / ex-parte interim order restraining the respondents from finalizing the tender in question and/or no final contract be awarded in relation to the work under Work Division, Siwan-2 bearing M.R.-N/2022-23 Siwan-2/05 issued under N.I.T. bearing M.R.-3054-13/2022-23 issued by the Respondent Rural Work Department.

v) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

In view of the averments made in paragraph Nos. 7 & 9 of the counter affidavit dated 21.11.2022 as is so prayed for by the petitioner, the present petition stands disposed of. Relevant paragraph Nos. 7 & 9 are extracted hereinunder :-

“7. That it is further submitted that the petitioner's quoted percentage is -21% i.e. 21% below the scheduled rate which is Lowest rate quoted among all the successful bidders meaning thereby that the lowest amount has been quoted by the petitioner on the



basis thereof the petitioner has been declared qualified in Financial Bid being L-1.

9. That in the facts and circumstances stated hereinabove it is very humbly submitted that the grievance of the very of petitioner that he should be technically qualified for awarding contract with regard to work under Work Division, Siwan-2 bearing M.R. -N/22-23 Siwan-02/05 has already been redressed.”

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/Ashwani

U			
---	--	--	--

