

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1026 of 2020

Ashok Kumar Singh S/o Late Pramod Bihari Singh R/o Shanti Nagar (Behind ITI) Dumra Road, PS Dumra, Dist.- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Road Construction Department, Govt. of Bihar, Vishvasaraiya Bhavan, Bailey Raod, Patna.
2. The Principal Secretary, Road Construction Department, Govt. of Bihar, Vishvasaraiya Bhavan, Bailey Raod, Patna.
3. The Engineer in Chief Road Construction Department, Govt. of Bihar, Vishvasaraiya Bhavan, Bailey Raod, Patna.
4. The Chief Engineer Road Construction Department, (North Bihar wing), Vishvasaraiya Bhavan, Bailey Raod, Patna.
5. The Executive Engineer Road Construction Department, Sitamarhi.
6. The Executive Engineer Rural Works Department, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Sudha Chandra, Advocate Mr. Surendra Kumar Singh, Advocate Mr. Priyadarshini Sinha, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Ambastha, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 14-09-2022 Petitioner has prayed for the following relief(s):-

- i) To issue an appropriate writ, order or direction declaring the decision taken on 08.11.2019 by Tender Committee headed by the Respondent chief Engineer, declaring the petitioner as unfit for the reason of technically disqualified due to wrong submission of experience certificate as illegal unjust and inoperative and further direct to Respondents to include the Tender of petitioner for allotment of work considering him as successful bidder for work of I) The improvement of the left



out stretches of old alignment of NH-77 Near Thumma and Prem Nagar in the District of Sitamarhi for the year 2018-19 by the Executive Engineer, RCD, Road Division, Sitamarhi and

(II) For the improvement of left out stretches of old alignment of NH-77 Near Kowari, Jogwana, Bhutahi, Dostiyan and Sonbarsa Bazar for the year 2018-19 by the Executive Engineer, RCD, Road Division, Sitamarhi itself.

- ii) To issue further appropriate writ, order or direction commanding the Respondents not to execute any Agreement or issue any work order to any one during pendency of this writ application, in pursuance to illegal and arbitrary decision taken on 08.11.2019 with respect to the improvement of the left out stretches of old alignment of NH-77 Near Thumma and Prem Nagar in the District of Sitamarhi for the year 2018-19 by the Executive Engineer, RCD, Road Division, Sitamarhi and for the improvement of left out stretches of old alignment of NH-77 Near Kowari, Jogwana, Bhutahi, Dostiyan and Sonbarsa Bazar for the year 2018-19 by the Executive Engineer, RCD, Road Division, Sitamarhi itself.
- iii) To issue further appropriate writ, order or direction commanding the Respondents to allot the above work to the petitioner considering his proposal as well as past more than 40 years unblemished work experience of the Petitioner.
- iv) To issue further appropriate writ, order or direction for instituting a High Level inquiry to inquire in to the Bungling as well as Fraud committed by the Tender Committee headed by Respondents chief Engineer in the matter of finalisation of Technical Bid of the petitioner.

This Hon'ble Court may adjudicate and hold that action of Respondent chief Engineer declaring petitioner as disqualified due to the alleged wrong submission of the Experience



certificate issued by the Respondent Executive Engineer, Rural Works Department, Sitamarhi, is an act of malafide and arbitrary exercise of power/ Authority by the Respondent Chief Engineer.

- vi) This Hon'ble Court may further adjudicate and hold that action of chief Engineer in declaring petitioner as technically unfit on non est ground, is an act of malafide, arbitrary and is abuse of authority by the Respondents as the same has been done in incomplete violation of the letter No 1490 dated 30.08.2019 issued by the Executive Engineer, Rural Works Department, Sitamarhi, accepting his mistakes on his own.
- vii) To award the cost of litigation and suitable compensation to the petitioner for the loss and damages caused to the petitioner due to the wrong committed by the Respondents themselves.
- viii) To grant/ award any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.

Learned counsel for the petitioner seeks permission to withdraw the present petition.

Permission granted.

The instant petition stands disposed of as withdrawn.



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

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./Amrendra

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