

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1685 of 2023

M/s Vijay Kumar Singh through its Proprietor Vijay Kumar Singh aged about 55 years, Male, Son of Ram Balak Singh, resident of North Mandiri, Chhakkan Tola, P.S. Budha Colony, District Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer-I, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Patna, Bihar.
5. The Executive Engineer, Rural Works Department, Works Division, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate Mr. Chandan Kumar, Advocate
For the State	:	Mr. Ajay (GA5) Mr. Pratik Kumar Sinha, AC to GA5

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 05-04-2023 In the instant petition, petitioner has prayed for the following relief (s):-

“(1) For quashing of the decision of the Technical Bid Evaluation Committee dated 27.12.2022 as contained in Letter No. 2264 (which has been uploaded on the departmental website on 31.12.2022) by which, the Technical Bid of the petitioner has been declared to be non responsive and thus rejected in the course of evaluation is in the 4th time notwithstanding the fact that the same technical Bid was evaluation



earlier thrice and was held to be responsive;

(ii) Direction upon the respondent Chief Engineer -I to consider and dispose of by a reasoned order the complaint filed by the petitioner on 10.11.2022 bringing on record the discrepancy / mismatch between the issuance of e-court fee and the deponent of the Affidavit and other serious illegalities committed by other co-bidder in connection with the Notice Inviting Tender; and

(iii) Restraining the Respondents from finalizing/creating the third party rights during the pendency of the present writ application without the leave of this Hon'ble Court.”

02. Petitioner's technical bid has been rejected in piecemeal. Official respondents have taken four times to reject the petitioner's technical bid on different grounds. The ultimate ground is that bank guarantee furnished by the petitioner is dated 18.06.2022 and it is valid up to 14.12.2022, and it is not in terms of clause of 14(c) of NIT (Annexure-1). Clause 14 reads as under:-

“Earnest money duly endorsed/pledged to the authorized departmental representative (concerned Executive Engineer, RWD Works Division Patna should be in any of the following shapes or combination thereof.

(a) Fixed Deposit receipt of Nationalized/Scheduled Bank within the State of Bihar.

(b) NSC issued within the State of Bihar.

*(c) Bank Guarantee of Nationalized / scheduled bank may also be submitted within the state of Bihar. The above instrument * (S) Shall*



remain valid for the minimum period of six months
after last date of receipt of tender.”

(Underline Supplied)

Reading of Clause (c), it is evident that bank guarantee should be valid for a period of six months after last date of receipt of tender. Last date of receipt of tender date is 20.06.2022 whereas the bank guarantee is dated 18.06.2022 and it is valid up to 14.12.2022. Therefore, *prima-facie*, there is no infirmity in rejecting the petitioner's technical bid. Accordingly, the petitioner has not made out a case, hence the writ petition stands dismissed.

At this stage, learned counsel for the petitioner submitted that he has filed certain objections insofar as successful bidder is concerned. In this regard, the concerned authority is hereby directed to take note of the same and proceed in accordance with law after due opportunity of hearing to such of those persons whose rights are likely to be affected.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/Daya/-

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