

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.842 of 2023

=====

Bipin Kumar Singh Son of Diwakar Singh Resident of Ward No.- 18, Gokul Chowk, Gangjala, Police Station- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, New Secretariat, Patna.
2. The Director General of Police cum Managing Director, Bihar Police Building Construction Corporation, Kautilya Nagar, Patna.
3. The Engineer in Chief, Bihar Police Building Construction Corporation, Kautilya Nagar, Patna.
4. The Chief Engineer, Bihar Police Building Construction Corporation, Kautilya Nagar, Patna.
5. The Superintending Engineer (Division II), Bihar Police Building Construction Corporation, Head Office, Patna.
6. The Executive Engineer, Bihar Police Building Construction Corporation, Purnea Division, Purnea.
7. Ashutosh Ranjan, Son of Awadhesh Kumar Sinha Resident of Indrapuri Road No.- 0B, Keshari Nagar, Police Station- Rajiv Nagar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Singh, Advocate
For the BPBCC	:	Mr. Prasoon Sinha, Advocate
For the Respondent/s	:	Mr. Md. Nadim Seraj (GP-5)

=====

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

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

6 05-05-2023 In the instant writ petition, petitioner has prayed for
the following relief(s):-

“I) To quash Memo No. 730 dated 21.06.2022, issued by the Respondent Superintending Engineer, (Division II), Bihar Police Building Construction Corporation Head Office, Patna.

II) To quash the Letter No. 455 dated



08.07.2022, issued by the Respondent Executive Engineer, Bihar Police Building Construction Corporation Purnea Division, Purnea.

III) To grant interim stay over the Letter No. 455 dated 08.07.2022, issued by the Respondent Executive Engineer, Bihar Police Building Construction Corporation Purnea Division, Purnea.

IV) To issue the work order in favor of the petitioner for the work namely "Renovation of Guard Room, Approach Road at S.P. Residence Saharsa in the District of Saharsa".

V) Any other relief/reliefs as deem fit and proper in the facts and circumstances of the case."

02. Short question for consideration in the present petition is whehter claim of the petitioner under Group No.5 is in order or not?

03. It is evident from Para-3 (v) of the counter affidavit filed on behalf of Respondent No.2, in which, they have specifically admitted insofar assigning the Group. Para-3(v) of the counter affidavit read as under:-

"3.....

(v) But at the time of tender uploading, Bill of Quantity (BOQ) of Gropu No.5 was inadvertently uploaded on the EPROC site in group no.6 and BOQ of Gropu No.6 was uploaded in Group no.5 due to clerical mistake on the part of BOQ section as a result thereof in the Bid details the description of the work of Group No.5 as contained in the NIT was mentioned in Work no.6."

04. Further, during pendency of the present petition



on 30.01.2023, Respondent No.2 has cancelled the Group No.5 and 6 of NIT No. 28/2021-22. The 2nd Respondent has misdirected the petitioner, in the result, during pendency of the present petition, he proceeded to rectify and cancel the work order of Group No.5 and 6 of NIT No. 28/2021-22 on 30.01.2023. Therefore, the present petition does not survive for consideration.

05. For having misdirected the petitioner and compelling to approach this Court, he is entitled to compensation and refund of EMD amount. Compensation is determined at Rs. 50,000/- (fifty thousand only). Concerned respondent is hereby directed to pay compensation along with EMD amount to the petitioner within a period of two months from the date of receipt of this order.

06. Accordingly, the writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/-
himanshu/-

U			
---	--	--	--

