

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1581 of 2023

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M/s Ganpati Construction having its office at village- Nijay, P.O. Sonsa, P.S. Rahui, District- Nalanda at Biharsharif through its Proprietor Ajit Kumar (male), aged about- 52 years, son of Ram Prasad Singh, resident of village- Nijay, P.O. Sonsa, P.S. Rahui, District- Nalanda at Biharsharif.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Minor Water Resources Department, Government of Bihar, Patna.
4. The Technical Bid Committee, Minor Water Resources Department, Government of Bihar, Patna through the Chairman -cum- Chief Engineer.
5. The Chief Engineer, Minor Water Resources Department, Government of Bihar, Patna.
6. The Superintending Engineer, Minor Water Resources Department, Minor Irrigation Circle, Patna.
7. The Executive Engineer, Minor Water Resources Department, Minor Irrigation Division, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Awnish Kumar, Advocate
For the Respondent/s : Mr.Anirban Kundu (Sc24)

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

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

2 15-02-2023 In the instant petition, petitioner has prayed for the following reliefs:-

*“ (I) For issuance of an appropriate writ in the nature of **CERTIORARI** for quashing the proceedings of Technical Bid Committee of the Minor Water Resources Department, Government of Bihar, Patna*



dated 14.01.2023, whereby and where under the Technical Bid Committee had rejected the technical bid of the petitioner in respect of Group No.4 of Notice Inviting Tender No.02 of 2022-23 on the ground that some enquiry is pending against the petitioner before the Chief Engineer, Minor Water Resources Department Patna in respect of submission of a forged document with respect to some other Notice Inviting Tender.

*(II) For issuance of an appropriate writ in the nature of **CERTIORARI** for quashing the proceedings of Technical Bid Committee of the Minor Water Resources Department, Government of Bihar; Patna dated 14.01.2023 ,whereby and where under the Technical Bid Technical Bid Committee had rejected the technical bid of the petitioner in respect of Group No.7 of Notice Inviting Tender No.04 of 2022-23 on the ground that some enquiry is pending against the petitioner before the Chief Engineer, Minor Water Resources Department Patna in respect of submission of a forged document with respect to some other Notice Inviting Tender.*

*(III) or issuance of an appropriate writ in the nature of **MANDAMUS** ,commanding and directing the Respondent Authorities to accept the technical bid of the petitioner which they have rejected because of extraneous consideration and for a further direction to open the petitioner's financial bid along with other tenderers, whose technical bid has been accepted by the Respondents in pursuance of above mentioned two Notice Inviting Tender Nos. 02 of 2022-23 and 04 of 2022-23 in respect of Group Nos. 4 and 7*



respectively and for allotment of work to the petitioner if in the financial bid he is found to be lowest one amongst the Contractors.

(IV) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

Undisputedly, petitioner has statutory remedy of appeal before the jurisdiction tribunal, without exhausting such remedy he has rushed to this Court.

Accordingly, the present petition is pre-mature. Writ petition stands disposed of with an observation that in the event of petitioner invoking remedy before the tribunal, the tribunal is requested to decide the petitioner's interim relief within three days from the date of filing appeal before the Tribunal.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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