

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2063 of 2023

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Lalan Kumar, Son of Late Mahendra Ray, Resident of Village- Chhitarchak,
P.S.- Sonpur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer-1, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer 4-cum-Nodal Officer (3054), Rural Works Department, Government of Bihar, Patna.
5. The Technical Secretary to Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
6. The Superintending Engineer, Work Circle Patna, Rural Works Department, District- Patna.
7. The Executive Engineer, Work Division Danapur, Rural Works Department, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kr. Chaudhary, Sr. Adv. Mr. Akshansh Ankit, Advocate
For the Respondent/s	:	Mr. Kameshwar Pd. Gupta (GP10) Mr. Virendra Kumar, AC to GP 10

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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 28-02-2023 In the instant petition, petitioner has prayed for the
following reliefs:-

*(a) To set aside the decision taken by the
Technical Bid Committee, Rural Works
Department, Bihar dated 04.01.2023
[Annexure P1] with respect to Tender ID
121718 under Package No. MR-N/22-23
Danapur/14 whereby and whereunder the*



technical bid of the Petitioner was rejected on flimsy and non-existent ground in a most arbitrary and mechanical manner.

(b) To hold and declare that the technical bid of the Petitioner in Tender ID 121718 under Package No. MR-N 22-23 Danapur/14 is valid and further direct the Respondents to open the financial bid of the Petitioner.

(c) For a direction upon the Respondent Authorities to not to award tender bearing Tender ID 121718 under Package No. MR-N/22-23 Danapur/14 to any of the bidders during the pendency of the writ application.

(d) To stay the further proceeding of Tender ID 121718 under Package No. MR-N/22-23 Danapur/14 wherein financial bid was opened, however, tender has not been awarded to any of the participating bidders till date by the Respondents concerned.

(e) To pass any other order/orders in shape of a consequential relief to which the Petitioner may be found to be legally entitled to in the facts and circumstances of the instant case at hand.

The petitioner's technical bid has been rejected with reference to Clause 4.7.2 of NIT. Perusal of Annexure-1 specific material information has not been relied on. In other words, it is an unreasoned order. Apex Court has time and again held that unreasoned orders shall not be passed by the authorities.

In the light of these facts and circumstances, petitioner has made out a *prima facie* case so as to interfere with Annexure-1. Accordingly, it is set aside insofar as petitioner Lalan Kumar is concerned. Reserving liberty to the concerned authority to proceed in accordance with law, if it is warranted.



In the event of non-processing of financial bid, the petitioner's application for technical bid shall be revisited and decision shall be taken at the earliest.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Balmukund/-
DKS/-

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