

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3710 of 2023

1. J.K. Engicon Private Limited having its head Office at Hathua Chhawani, Chatardhari Bazar, P.S. Bhagwan Bazar, District-Chhapra, Bihar, Duly represented by its Director
2. Vikash Kumar Singh Son of Jitendra Singh Resident of barwa Khurd, P.S. Daudpur, District-Saran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief (Work Management), Road Construction Department, Government of Bihar, Patna.
4. The Committee for Evaluation of Technical Bid (RCD) through the Chief Engineer (North), Road Construction Department, Government of Bihar, Patna.
5. The Chief Engineer (North), Road Construction Department, Government of Bihar, Patna.
6. The Superintending Engineer, Road Construction Department, Saran Road Circle, Hajipur, Bihar.
7. The Executive Engineer, Road Construction Department, Road Division, Siwan, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar
For the Respondent/s : Mr.Manoj Kr. Ambastha (Sc26)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 13-07-2023

In the present petition, the petitioner has prayed for
the following relief(s):-

“i.) For issuance of an appropriate writ,



order or direction in the nature of Certiorari for quashing of and setting aside the Memo No. 2704 dated 21.12.2022 (Annexure - 3) issued by the Committee for evaluation of Technical Bid in relation to NIT No. 02/2022-23, RCD Road Division, Siwan whereby the Petitioner Company was technically disqualified from participating in the financial bid.

ii.) For issuance of an appropriate writ, order or direction in the nature of Mandamus directing the Respondents concerned to consider the Petitioner's bid for the purpose of participation into the financial bid in relation to NIT No. 02/2022-23, RCD, Road Division, Siwan.

iii.) For issuance of an appropriate writ, order or direction interdicting the Respondents from holding the financial bid round in relation to NIT No. 02/2022-23, RCD, Road Division, Siwan during the pendency of the present writ application before this Hon'ble Court.

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

2. The impugned Memo No. 2704 dated 21.12.2022 (Annexure - 3) is in the form of show cause asking the petitioner's and others objection, if any. In stead of pursuing the objection, the petitioner has rushed to this Court. Therefore, the writ petition is, *prima facie*, premature.



3. During pendency of the present writ petition, the petitioner’s objection to technical bid evaluation has been considered and rejected on 24.01.2023. Therefore, the petitioner has fresh cause of action.

4. Accordingly, the petitioner is permitted to file a fresh petition insofar as challenging the order dated 24.01.2023.

5. In view of these facts and circumstances, the present petition stands disposed of, reserving liberty to the petitioner to assail the technical evaluation committee’s decision dated 24.01.2023 by which the petitioner’s objection has been rejected.

6. Pending I.A. stands disposed of.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.07.2023
Transmission Date	

