

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2889 of 2023

=====

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

=====

Appearance :

For the Petitioner/s	:	Mr. Awnish Kumar, Advocate
For the State	:	Mr. Kapileshwar Pd. Yadav, GP 11 to AC Ms. Dimpal Kumari, Advocate

=====

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

Date : 28-03-2023

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 whereunder 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 whereunder the Technical Bid Committee had rejected the technical bid of the petitioner in respect of Group No. 7 of Notice Inviting Tender 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) For 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.”

Brief facts of the case are that the petitioner is a contractor. He was facing certain proceedings with reference to alleged to have produced certain fake material in an earlier tender. Such pending proceedings have been taken note of and the official respondent rejected the petitioner's tender in technical bid process on 14.01.2023. Whereas the last date of submission of application for participating in the process of tender is 07.12.2022. Further, he was blacklisted on 01.03.2023 with reference to earlier tender that he had alleged to have furnished fake documents in participating and obtaining work order in his favour.

Question for consideration is whether new tender bid of the petitioner could be rejected on technical bid with reference to alleged action in respect of earlier tender wherein he has alleged to have produced certain fake materials and it has attained finality in blacklisting him on 01.03.2023 or not?

Admittedly, on 07.12.2022, petitioner was not blacklisted and so also as on the date of rejection of his technical bid on 14.01.2023. In the light of these facts and circumstances, rejection of his technical bid with reference to pendency of certain



proceedings in respect of earlier tender is arbitrary and illegal.
Accordingly, the impugned action dated 14.01.2023 is set aside.
The concerned authority is hereby directed to reconsider the
petitioner's bid and proceed in accordance with law.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

kamlesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.04.2023
Transmission Date	N/A

