

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4560 of 2023

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Rajiv Kumar, aged about 42 years, Male, S/o- Sri Awadh Kishore Sharma,
R/o- Village- Bishunpur, P.O.- Ghejan, P.S.- Sakurabad, District- Jehanabad,
Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Chief Secretary, Minor Irrigation, Department, Government of Bihar, Patna.
2. The Engineer in Chief, Minor Irrigation Department, Government of Bihar, Patna.
3. The Chief Engineer, Minor Irrigation, Department, Muzaffarpur, Bihar.
4. The Superintending Engineer, Minor Irrigation Circle, Muzaffarpur, Bihar.
5. The Executive Engineer, Minor Irrigation Division, Samastipur, District- Samastipur, Bihar.
6. The Executive Engineer, Minor Irrigation Division, Motihari, District- Motihari, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Subhash Pd. Singh, GA 3

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

Date : 27-03-2023

Heard learned counsels for the respective parties.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“(i) Quashing of the decision of the Technical Bid

Evaluation Committee dated 14.03.2023 (Annexure – 2) as contained in Letter bearing Memo No. 574 whereby, the



Technical Bid of the petitioner has been rejected on the ground that the Registration of the petitioner firm has been blacklisted for a period of 10 years vide Letter No. 107 dated 20.02.2023.

(ii) A declaration to the effect that the in order of blacklisting contained in Letter No. 107 dated 20.02.2023 shall not be given a retrospective effect and shall not be made a ground for rejection of the Technical Bid in connection with those Bidding process in which the date of issuance of Notice Inviting Tender and the submission of the Bid documents is prior to the date of blacklisting of the petitioner; and

(iii) Restraining the respondents from finalizing the Tender process and creating any third party rights during the pendency of the present writ application save and without the leave of this Hon'ble Court."

3. The NIT was notified on 07.12.2022 fixing the last date of submission of application as 07.01.2023. In the NIT, it is revealed that technical bid would be opened on 10.01.2023, however, it was postponed to 14.03.2023 and thereafter, the petitioner's technical bid was rejected only on the score that he was facing certain proceedings relating to blacklisting. Ultimately, he was blacklisted on 20.02.2023.

4. Pendency of any proceedings relating to blacklisting before the last date of submission of application with reference to



NIT would not be a hurdle as we have earlier held in the writ petition CWJC No. 914 of 2023.

5. Accordingly, petitioner has made out a *prima facie* case so as to interfere with the impugned action of concerned authority. Accordingly, it is set aside in terms of order passed in CWJC No. 914 of 2023. The concerned authority is hereby directed to re-examine the petitioner’s claim at the earliest.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.03.2023
Transmission Date	NAFR

