

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9943 of 2023

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Balindra Chaudhary S/o-Late Banarsi Chaudhary, R/o-Lakhraon, Post-Siwan,
P.s-Mufasil Siwan, Dist-Siwan-841226

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Work Department, Bihar, Bishweshraiya Bhavan, Bailsy road, Patna.
2. The Engineer in Chief Rural Work Department, Bihar, Bishweshraiya Bhavan, Bailey road, Patna..
3. The Chief Engineer Rural Work Department, Bihar, Bishweshraiya Bhavan, Bailsy road, Patna.
4. The Superintendent Engineer, R.W.D, Work Circle, Saran (Chhapra)
5. The Ex. Engineer, RWD, Work Division-1, Chhapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Usha Kumari, Advocate
For the Respondent/s : Smt. Archana Meenakshee (Gp6)

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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)

5 30-08-2023 In the instant petition, petitioner has prayed for the
following relief(s):-

“(i) For quashing the impugned order dated 14.02.2023 to disqualified the petitioner’s technical bid in the tender proceeding and respondents be directed to open the financial bid of the petitioner and award the tender in favor of the petitioner for which the petitioner is entitled. The respondent Superintending Engineer, RWD, Work circle-Chhapra and Members have qualified the bid of petitioner on 19.01.23 and on 14.02.23 disqualified the bid of petitioner and



opened the financial bids of choice bidder against the law moreover if the work is not awarded to the petitioner only may be met with loss of business but the state will also met with loss of Govt. exchequer, but under the reason best, the respondents are adamant not to award the work in favor of the petitioner, which is unfortunate, and thus an appropriate order may be passed directing the respondents to award the work in favor of the petitioner, in the interest of Govt. revenue/public interest, because the petitioner has quoted the lowest rate.

(ii) Further for restraining the respondents from finalizing and awarding the tender and issue work order pursuant to above work till disposal of the writ.

(iii) For granting any other relief/s for which the petitioner be found entitled in the eye of law.”

2. Even though petitioner has made out a *prima facie* case for interference with the relief sought in the present petition. However, petitioner has not questioned the validity of re-tender, therefore, our hands are tied due to later development like re-tender and 3rd party rights have been created, etc.

3. Accordingly, the present petition stands disposed of.

4. At this stage, learned counsel for the petitioner submitted that he intends to challenge by means of Interlocutory Application. The same is hereby rejected, reserving liberty to



file fresh petition including challenge to the re-tender process if
it is warranted.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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