

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16691 of 2015

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1. Rupesh Kumar and Anr S/o Binod Kumar R/o - North Dahiyawan Tola, Teacher Colony, Chapra 841301, PO - Chapra, PS - Chapra Town, District - Chapra, Town - Chapra.
 2. Rinku Kumar S/o Tripura Nand Singh R/o vill and PO - Bodha Chapra, Via - Pratap Pur, Chapra 841301, PO and PS - Chapra District - Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Bihar, Patna
2. The Principal Secretary, Public Health and Engineering Department, Bihar, Patna.
3. The Chief Engineer Mechanical, Public Health Engineering Department, Patna.
4. The Superintending Engineer Public Health Engineering Circle, Chapra.
5. The Executive Engineer, Public Health Division, Chapra.
6. The Project Director, Vishweshwaraiya Bhawan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Shrivastava, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP 14

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

Date : 10-05-2023

In the instant petition, petitioners have prayed for the following reliefs:

“(i) To hold and declare that the petitioners are fit and competent to participate in the tender floated by the respondents and they must be allowed to participate in bidding the tender so floated (annexure no. - 4) since the “Bihar Enlistment of Contractor rule, 2007” has come into the existence, the respondents are



prohibited from the applying any terms not mentioned in this rule. More so the “Bihar Enlistment of Contractor rule, 1996” is infructuous. The respondents demanding any requisite/pre-requisite given in annexure no -5 from this rule would be violative and would be a nullity in the eyes of law.

(ii) To hold and declare that since the petitioners have deposited Rs. One Lac to secure the registration under the “Bihar Enlistment of Contractor rule, 2007”, any deviation from the terms of this Rule would be treated as cheating the petitioners. The respondents would not be fair and competent to ask for an experience and turnover of the petitioners when the same is not prescribed in the “Bihar Enlistment of Contractor rule, 2007”.

(iii) To hold and declare that the since the petitioners have taken registration under the “Bihar Enlistment of Contractor rule, 2007”, any deviation from the terms of this Rule would stand as promissory estoppels against the act of the respondents.

(iv) To hold and declare that the acts of the concerned respondents were illegal, unfair, unreasonable, arbitrary amounting to harassment and mental agony to the petitioner attracting proper compensation.”

2. Due to passage of time the petitioners are not interested in pursuing the reliefs sought in the present petition.

3. On the other hand, during pendency of the present petition, petitioners are stated to have submitted representation for refund of registration fees of Rs. 1 lakh along with interest. The concerned authority is hereby directed to take note of and decide



the petitioners’ grievance within a period of two months from the date of receipt of this order. In the light of the alleged fact that NIT was contrary to State Government Policy decision in respect of small time contractors read with the fact that in the NIT authorities have insisted for production of experience certificate, which is stated to be contrary to the State Policy decision.

4. Accordingly, writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2023
Transmission Date	NA

