

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7737 of 2023

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Rohit Kumar Ojha, Gender Male, Aged about 37 years, Son of Mr. Harendra Ojha Resident of Village and P.O.- Nimez, P.S. Bhrahpur, District- Buxar, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Bihar State Educational Infrastructure Development Corporation Limited (BSEIDCL), Through its Managing Director, Shiksha Bhawan, Bihar Rashtrabhasa, Parishad campus, Acharya Shivpujan Sahay Path, Saidpur, Patna - 800004
3. The Chief Engineer, BSEIDCL, Shiksha Bhawan, Bihar Rashtrabhasa, Parishad campus, Acharya Shivpujan Sahay Path, Saidpur, Patna - 800004
4. The Superintendent Engineer, BSEIDCL, Shiksha Bhawan, Bihar Rashtrabhasa, Parishad campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004.
5. The Executive Engineer, BSEIDCL, Shiksha Bawan ,Bihar Rashtrabhasa, Parishad campus, Acharya Shivpujan Sahay Path, Saidpur, Patna- 800004.
6. The Account Officer, BSEIDC, Shiksha Bawan ,Bihar Rashtrabhasa, Parishad campus, Acharya Shivpujan Sahay Path, Saidpur, Patna- 800004.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Neerad Parashar, Advocate
For the State	:	Mr. P.K. Shahi, Advocate General
		Mr. Vikas Kumar, Advocate
For respondents/BSEIDCL:		Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-06-2023

Heard learned counsels for the respective parties.

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



“i) Whether the impugned order dated 05.12.2022 vide letter no.-226 issued by chief engineer BSEIDC is not liable to be quashed and set aside being illegal, perverse and violative of the basic principle of proportionality?

ii) Whether the respondent no. 3 has not acted in gross violation of its own rules and acted illegally by passing the impugned order unilaterally even without considering the reply made by the petitioner.

iii) Whether, the impugned order, passed by Respondent No. 3, is not liable to be set aside and quashed being in violation of the principle of proportionalities he hadn't considered the reply of the petitioner before passing the drastic order against the Petitioner?”

3. The petitioner is one of the bidder for the subject matter of NIT. His application was rejected on technical evaluation, wherein the authorities found that experience certificate stated to have been furnished by the petitioner was not a genuine document. The concerned authority verified with the author of the experience certificate and found that certificate produced by the petitioner was fake.

4. In this regard, show cause notice was issued on 05.09.2022 and petitioner has submitted his reply to the show cause notice on 10.09.2022, wherein except stating that certificate has not been verified properly, nothing has been stated. That apart



copy of the experience certificate has not been placed on record in the present case.

5. In view of these facts and circumstances, the petitioner has not made out a case. Accordingly, writ petition stands dismissed reserving liberty to the petitioner to assail the order afresh after producing complete materials.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.06.2023
Transmission Date	NA

