

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12816 of 2022

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Sanjay Kumar Jha son of Late Naresh Chandra Jha, resident of Ward No. 14,
Naya Nagar, P.S. Supaul, District Supaul, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer- 2, Rural Works Department, Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Madhepura, Bihar.
5. The Executive Engineer, Rural Works Department, Works Division, Tribeniganj, Bihar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13549 of 2022

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Sanjay Kumar Jha son of Late Naresh Chandra Jha, resident of Ward No. 14,
Naya Nagar, P.S. Supaul, District Supaul, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer- 2, Rural Works Department, Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Madhepura, Bihar.
5. The Executive Engineer, Rural Works Department, Works Division, Tribeniganj, Bihar.
6. Bharat Ratna Pandey, Son of Shri Ravi Shankar Pandey, Resident of Katira, Friends Colony, P.S.-Nawada, Arra, District-Bhojpur, Bihar.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 12816 of 2022)

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate

For the Respondent/s : Mr. Kameshwar Pd. Gupta (Gp10)

Ms. Deepanjali Gupta, AC to GP-10

(In Civil Writ Jurisdiction Case No. 13549 of 2022)



For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Kumar Alok (Sc 7)
For Private Respondent/s : Mr. Ashish Giri, Advocate
Mr. Sumit Kumar Jha, Advocate
Ms. Riya Giri, Advocate
Mr. Bivutosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

9 12-09-2023 **CWJC No.12816 of 2022**

The instant petitioners has prayed for the following reliefs:

(i) Quashing of the decision of the Technical Bid Evaluation Committee contained in Letter No. 952 dated 18.08.2022 whereby, the Technical Bid of the petitioner has been declared non-responsive and thus disqualified for the reason that the Bid documents are not in-conformity with the requirements of Clause 4.2 (g) and 4.4 B (b) (i) of the Instructions to Bidders; and

(ii) Restraining the respondents from finalizing the tender process during the pendency of the present writ application without the leave of this Hon'ble Court.

2. The petitioners technical bid has been rejected on the score that the petitioners fails to fulfill certain conditions imposed in the SBD for PMGSY in particularly 4.2 (g) and



4.4B(b)(i) of the Instruction to Bidders (ITB).

3. The petitioners could not apprise with reference to Annexure-3 relating to Bank Certificate to the extent that certificate is in relation to provide credit facilities to the extent of Rs.1,20,20,000/- is for which period in the absence of specific period and it is dated nil. The petitioners bid has been rightly rejected in the light of various clauses mentioned (supra) are not fulfilled by the petitioners. Therefore, the petitioners have not made out a case. Accordingly, the present writ petition stands dismissed.

CWJC No. 13549 of 2022

It is similar to order passed in CWJC No.12816 of 2022.

Accordingly, the present petition stands dismissed.

Reserving liberty to the petitioner to challenge the award in favour of the contesting respondent by filing independent writ petition.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Prakash Narayan
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