

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12029 of 2023

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Systematic and Advance Construction Private Limited a private limited company incorporated under the provision of the Companies Act, 1956, having its principal place of business at 2nd Floor, Block- A, Moti Bhawan, Behind R.B.I., P.S. Gandhi Maidan, Town and District Patna through its Managing Director Shri Pankaj Kumar son Shri Ajay Kumar resident of Flat No. 101, Triveni Niwas, R.K. Avenue Road, Rajendranagar, P.S. Kadamkuan, Town and District Patna, (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Home Department, Govt. of Bihar, Patna.
3. The Home Secretary, Home Department, Govt. of Bihar, Patna.
4. The Bihar Police Building Construction Corporation through its C.D.M., Bihar, Patna.
5. The C.M.D., Bihar Police Building Construction Corporation, Bihar, Patna.
6. The Chief Engineer, Bihar Police Building Construction Corporation, Headquarter- Bihar, Patna.
7. The Superintending Engineer, Work Circle- 1, Bihar Police Building Construction Corporation, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Advocate Mr. Sushil Kumar Singh, Advocate
For the Respondent/s	:	Mr. Amit Prakash (GA-13)

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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 21-09-2023 In the instant writ petition, petitioner has prayed for
the following relief(s):-

i) For issuance of a writ in the nature of certiorari or any other appropriate writ for quashing of the result of technical bid dated 20.07.2023 declared and communicated by the



Technical Bid Evaluation Committee of Bihar Police Building Construction, Bihar under the chairmanship of the Superintending Engineer Work Circle-1, Bihar Police Building Construction Corporation with regard to the works for Construction electrification of building at different police station in the state of Bihar under Group No, 23, 24, 27 & 28 bearing NIT No. 03/SBD/2023-24, whereby and where under the petitioner has been wrongly declared disqualified from participation in second part of tender process i.e. financial bid under the provision contained in clause 4.8 of section- 1 of ITB/SBD.

ii) For issuance of a writ in the nature of mandamus or any other appropriate writ for commanding the respondents to initiate de novo tender process for opening of afresh technical bid of the aforesaid works proving ample opportunity to participate all eligible candidates including the petitioner and adopting impartial, true and fair process and practice for the same.

iii) For issuance of a writ in the nature of mandamus or any other appropriate writ for restraining the respondents from taking consequential action/process in the matter of aforesaid work of Bihar Police Building Construction Corporation.

iv) For holding that whole process of tender in the aforesaid works taken by the Respondents is in gross violation of provision of the settle principle of law and the same is illegal, invalid, unreasonable, arbitrary and malafide.

v) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and



circumstances of the case.”

02. Pursuant to our previous order dated 14.09.2023, learned counsel for the Bihar Police Building Construction Corporation, Bihar, Patna (for short ‘Corporation’) was asked to verify as to whether the present matter is covered by the decision dated 24.08.2023 passed by this Court in CWJC No. 12028 of 2023 or not.

03. Learned counsel for the Corporation, on instruction, fairly submitted that the present matter is covered by the aforementioned decision of this Court.

04. Accordingly, the present writ petition stands allowed in terms of order dated 24.08.2023 passed by this Court in C.W.J.C. No. 12028 of 2023 and the impugned order dated 20.07.2023 (Annexure-P/3) stands set-aside insofar as petitioner is concerned.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/-
Himanshu/-

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