

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12475 of 2023

M/s Jaiswal Enterprises, Jaiswal Market, Musallahpur Hat P.S. Pirbahore,
District Patna through its Proprietor Ashish Jaiswal, aged about 48 years,
Gender- Male, Son of Rishi Kumar Jaiswal, Resident of Jaiswal Market,
Musallahpur Hat, P.S. Pirbahore, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary-Cum-Chairman, Bihar State Textbook Publishing Corporation Limited, Pathya Pustak Bhawan, Budh Marg, Patna.
3. The Bihar State Textbook Publishing Corporation Limited, Pathya Pustak Bhawan, Budh Marg, Patna through its Managing Director.
4. The Managing Director, the Bihar State Textbook Publishing Corporation Limited, Pathya Pustak Bhawan, Budh Marg, Patna.
5. The Officer-On-Special Duty, the Bihar State Textbook Publishing Corporation Limited, Pathya Pustak Bhawan, Budh Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Advocate Mrs. Manini Jaiswal, Advocate Ms. Ankita Kumari, Advocate
For the Respondent/s	:	Mr. Naresh Dikshit, Advocate Ms. Kalpana, Advocate Ms. Anukriti Jaipurkar, Advocate
For the Intervenors	:	Mr. Vikas Kumar, Advocate Ms. Anjali Kumari, Advocate

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

Date : 01-11-2023

Heard learned counsel for the respective parties.

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

*"(i) For the issuance of writ
in the nature of certiorari for
quashing of the E-Tender Notice*



issued on 14.07.2023 under the signature of the respondent authority whereby the date for the last submission of online E-Tender was fixed on 09.08.2023 without considering that the last corrigendum was issued on 05.08.2023 and has fixed the last date of submission on 09.08.2023 without considering that at least two weeks' time was to be given to the eligible candidates for submission of online Tender as last corrigendum was admittedly issued by the respondent on 05.08.2023 and only within 4 days candidates were discussed to submit online tender though it is admitted fact that on issuance of corrigendum all the data uploaded by the registered bidder is deleted by e-procurement department/portal automatically and the bidder has to upload fresh data after every corrigendum.

(ii) for further direction to the Respondent authority alternatively that if this Court not pleased to set aside the e-tender notice allow the desirable candidates to submit tender extending further two weeks' time to upload the details as till now technical bid has been opened but result has not been declared evaluation is going on and financial bid has not been opened nor any date has been announced because tender work is not of urgent nature as the previous tender work is still not completed and supply books is still going on.

(iii) for further direction to the respondent authorities to consider the claim of the petitioner extending



further time to submit financial bid as the petitioner's firm namely M/s Jaiswal Enterprises has submitted technical problem of internet and also considering that no adequate opportunity was given and only in three days the desirable candidates were directed to submit tender purposely to allocate the work to their choice firm if the more candidates will not apply and according the petitioner's firm who has earlier worked and there was no adverse remark and the petitioner has given excellent performance.

(iv) And for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law."

3. Grievance of the petitioner is with reference to NIT dated 14.07.2023 insofar as printing and supply of textbook for Class I to VIII. The last date of submission of application is 09.08.2023. Certain corrigendums were issued in the administrative exigency and resulted in providing time to the respective bidders from 05.08.2023 to 09.08.2023. During this intervening period of four days, the petitioner could not file financial bid. It is to be noted that each and every process is through online since invitation for bids (ITB) and e-procurement notice. Therefore, question of physically presenting documents is not warranted. Consequently, four days may be sufficient for the purpose of complying notice to corrigendums issued from time to



time on behalf of the official respondents. The one and only contention raised by the petitioner that time provided from 05.08.2023 to 09.08.2023 is insufficient. In this regard, learned counsel for the petitioner relied on Government of India document namely Manual for Procurement of Works (Updated June, 2022), Government of India, Ministry of Finance Department of Expenditure wherein reasonable time limit prescribed is two clear weeks. However, the aforementioned document is not applicable to the case in hand. That apart, the document of Government of India is in respect of Manual for Procurement of Works and not through e-procurement. Therefore, the cited document has no assistance to the petitioner's case.

4. Be that as it may, having regard to the contention of the petitioner that he had cause of action on 09.08.2023, he should have approached this Court immediately, i.e., much before process of e-procurement like opening of financial bid and award of contract etc. On the other hand, the present petition is filed on 30.08.2023, i.e., after about twenty one days. During the intervening period from 09.08.2023 to 30.08.2023 certain development has taken place insofar as finalizing NIT dated 14.07.2023 and third party right is created and they were also not party to the present proceedings.



5. In the light of these facts and circumstances, the petitioner has not made out a case. Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

