

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14822 of 2022**

=====

Suman Prava wife of Madhup Kumar Singh, Resident of Village- Adaury, Ward No. 4, P.S. Piprahi, District- Sheohar, presently residing at B-4/103, PRDA, S.K. Puri, P.S. Srikrishnapuri, District- Patna, Director, Tathagat Construction Pvt. Ltd., Adaury Niwas, Rajopatti, Dumra Road, Sitamarhi, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Rural Works Department, Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department, Bihar, Patna.
4. The Chief Engineer-3, Rural Works Department, North Division, Muzaffarpur.
5. The Superintending Engineer Rural Works Department, Work Circle, Muzaffarpur.
6. Executive Engineer, Rural Works Department, Work Division, Muzaffarpur (East-2).
7. M/s Maa Rajeshwari Construction Pvt. Ltd., a Company Registered under the provisions of the Companies Act, 1956 having its Registered Office at Village & PO Phulwaria, P.S. Maker, District Saran at Chapra through one of its Director namely Birendra Kumar Yadav, Aged about 58 years, Male, son of Sri Kamla Prasad Yadav, Resident of Village & P.O. Phulwaria, P.S. Maker, District Saran at Chapra.
8. M/s Jai Construction, a Proprietorship firm having its office situated at Village Dumarvana Masudpur, P.S. Minapur, District Muzaffarpur through its Proprietor namely Dharmendra Kumar, Aged about 42 years, Male, son of Late Jai Govind Rai, Resident of Village Dumarvana Masudpur, P.S. Minapur, District-Muzaffarpur.

... .. Respondent/s

=====

**Appearance :**

|                                |                                                                   |
|--------------------------------|-------------------------------------------------------------------|
| For the Petitioner/s           | : Mr. Pushkar Narayan Shahi, Sr. Advocate<br>Mr. Sanjay Kumar     |
| For the Respondent Nos. 1 to 6 | :Mr. Kameshwar Pd. Gupta (GP10)<br>Mr. Virendra Kuar, AC to GP-10 |
| For the Respondent No. 7 & 8   | :Mr. S. D. Sanjay, Sr. Advocate                                   |

=====

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

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

7      27-03-2023      The matter heard at length.



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

*“i. For issuance writ/s, of an appropriate order/s, Direction/s to the respondents for quashing order dated 18.08.2022 passed by Technical Bid Committee whereby and under the Technical Bid of the petitioner has been rejected for tender ID 119917, 119922, 119820 & 119822 on the ground that he has violated the conditions of SBD Clause 4.6 and ITB Clause 1.3.3.*

*ii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents to consider the Technical Bid of the petitioner company and thereafter open his financial bid which as per his estimate she would be L-1 since he has quoted lesser rate than others but she has been elbowed out the tender arbitrarily. illegally from and*

*iii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents that after considering the bids of the petitioner for four groups which has been stated in paragraph no. 1(i) and after it being successful in technical bid as well as financial bid, the work order should be given to the company and subsequent to this agreement be executed.*

*iv. To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case.”*

Learned counsel for the petitioner submitted that he  
will approach the concerned authority in respect of the relief(s)  
sought in the present petition, in the light of communication



dated 15.11.2022 (Annexure-2) to the supplementary affidavit/reply on behalf of the petitioner.

In the light of aforementioned submission, the present writ petition stands disposed of as withdrawn.

Interlocutory Application, if any, also stands disposed of.

At this stage, learned senior counsel for the respondent, Mr. S. D. Sanjay, submitted that interim order is operating and it should be vacated.

The Apex Court in the case of *Kalabharati Advertising Vs. Hemanth Vimal Nath Narichania*, reported in, *(2010) 9 SCC 437*, clearly held that once the petition is disposed of it is deemed that whatever the interim order or direction given by such Courts merges with the final order. In other words interim order/direction is not existing in the eye of law.

**(P. B. Bajanthri, J)**

**( Arun Kumar Jha, J)**

Ashish/-  
Daya/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

