

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14874 of 2022

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1. KHFM Hospitality and Facility Management Services Ltd. H.N.- 1/16, Sai Nagar, Road No. 1, Ashiyana Nagar, Patna- 800025 through its Manager Rajeev Kumar Singh
 2. Rajeev Kumar Singh, son of Yoga Nand Kumar, Resident of Village- Tanra, P.S. Moniuddin Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Engineer-in- Chief-cum- Additional Commissioner-cum- Special Secretary, Building Construction Department, Government of Bihar, Patna.
4. The Chief Engineer (Patna), Building Construction Department, Government of Bihar, Patna.
5. The Internal Financial Advisor, Building Construction Department, Government of Bihar, Patna.
6. The Superintending Engineer, South Bihar Circle, Building Construction Department, Government of Bihar, Patna.
7. The Executive Engineer, Central Building Division, Patna.
8. Brajesh Kumar, son of not known, resident of 2302, B. Sai Place, Raj Nagar, Khagaul Road, PGS More, Danapur cum Khagaul, Patna.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 15019 of 2022

1. KHFM Hospitality and Facility Management Services Ltd. H.N.- 1/16, Sai Nagar, Road No. 1, Ashiyana Nagar, Patna- 800025 through its Manager Rajeev Kumar Singh.
2. Rajeev Kumar Singh son of Yoga Nand Kumar Resident of Village- Tanra, P.S. Moniuddin Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Building Construction Department, Government of Bihar,



Patna.

3. Labour Commissioner, Government of Bihar, Patna.
4. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Building Construction Department, Government of Bihar, Patna.
5. The Chief Engineer (Patna), Building Construction Department, Government of Bihar, Patna.
6. The Internal Financial Advisor, Building Construction Department, Government of Bihar, Patna.
7. The Superintending Engineer, South Bihar Circle, Building Construction Department, Government of Bihar, Patna.
8. The Executive Engineer, Central Building Division, Patna.
9. Brajesh Kumar son of not known resident of 2302, B. Sai Place, Raj Nagar, Khagaul Road, PGS More, Danapur cum Khagaul, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 14874 of 2022)

For the Petitioner/s : Mr.Binodanand Mishra, Advocate

For the State : Mr.K.K.Singh, AC to GP 22

For the Respondent No. 8 : Mr.Rakesh Kr. Samrendra, Advocate

(In Civil Writ Jurisdiction Case No. 15019 of 2022)

For the Petitioner/s : Mr.Binodanand Mishra, Advocate

For the Respondent/s : Mr.R.K.Chandram, AC to GP19

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

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

Date : 15-02-2023

In the instant petition, petitioners has prayed for the following reliefs:-

“(i) For issuance of an order, direction or writ including writ in the nature of certiorari quashing the decision of the Departmental Tender Committee dated 07.10.2022 whereby the Respondent No. 8 has been declared L1 in violation of the tender



conditions & without looking to the objection of the Petitioners.

(ii) For issuance of an order, direction or writ including writ in the nature of mandamus commanding the respondents to issue fresh tender for the housekeeping services for Vikash Bhawan and Campus, Patna for the year 2022-23.

(iii) For issuance of an appropriate declaration holding that the tender cannot be allowed in violation of tender conditions.

(iv) For issuance of an appropriate declaration holding that the no bidder is allowed to quote the rate below the Minimum Wages in view of clause 31 of the tender conditions.

(v) For issuance of an appropriate declaration holding that past practice of the department not to allow the tender in violation of the tender condition has not been followed.

(vi) For any other relief(s) to which the petitioner may be found entitled in the facts and circumstances of the present case.”

2. On 31.01.2023 co-ordinate bench passed the following order:-

“Heard Mr. Binodanand Mishra, learned counsel for the petitioners, Mr. K. K. Singh, learned AC to SC 22 for the State and Mr. Rahul Mishra, learned counsel for the private respondent.

2. On the last occasion, the counsel for the State was directed to respond in the matter with regard to the tentative period in completion of the tender process.

3. Today, the Executive Engineer, Building Construction Department is present and he gives his undertaking that the entire



process of tender would be completed by 15.03.2023.

4. At this juncture, Mr. Mishra, learned counsel for the petitioners submits that the respondent no. 8/9 has failed to discharge his duty as per Clause 2.6 of the General Instructions to the Tenderers which clearly stipulates that housekeep and cleaning work will be done on all days of the week excluding Gazetted holidays.

5. Having heard the parties, let a counter affidavit be filed duly affidavited by the Executive Engineer, Building Construction Department stating therein as to how many days the respondent no. 8/9 has actually worked and has raised the Bill and submitted the work report. He would also submit that how many Gazetted days fell within the period of his working.

6. In view, thereof, both the matters are directed to be listed on 06.02.2023, within top five cases.”

3. In compliance of the aforesaid order supplementary counter affidavit has been filed on behalf of Respondent No.7.

Para 6 & 7 it is stated as under:-

“ That in view of the said work order the respondent no. 8 had worked from 18.10.2022 till 06.01.2023. The respondent no. 8 had worked 14 days in the month of October, 2022, 26 days in the month of November, 2022, 26 days in the month of December, 2022 and 6 days in the month of January, 2023. The respondent no. 8 had actually worked 72 days. It is further submitted that there was 2 days Gazetted Holidays in the month of October, 2022 and there was no Gazetted Holidays in the month of November, 2022, December, 2022 and January, 2023.



7. That it is further submitted that the respondent no. 8 has neither raised any bill nor submitted the work report.”

4. Further, learned counsel for the respective parties submitted on instruction that tender which was granted in the name of eighth respondent – Mr. Brajesh Kumar was cancelled on 04.01.2023 and the department intends to proceed a fresh tender. In the light of these facts and circumstances the present petition do not survive for consideration.

5. Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2023
Transmission Date	NA

