

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1359 of 2024

1. Tanweer Alam @ Tanwir Alam, son of Md. Haroon Rashid, Resident of-Sunderbari, P.S. - Kochudhaman, District - Kishanganj, Bihar
2. Asgar Ali Peter, Son of Late Sohan Singh, Resident of-Ward No.4, Panibagh, Kishanganj Bazar, P.S. -Kishanganj, District - Kishanganj, Bihar
3. Masir @ Masir Alam, Son of Md. Abdullah, Resident of-Simalbari, Block Chowk, Ward No. 3, P.S. -Kishanganj, District - Kishanganj, Bihar
4. Ram Naresh Kumar Sharma, Son of Awadhesh Sharma, Resident of-House No.35, Gandhi Nagar, P.S. -Sri Krishna Puri, District - Patna, Bihar.
5. Quaiser Perwaiz Wajdi, Son of Manjar Ahsan, Resident of-Dhanpura, P.O.-Kanhaiyabari, P.S. -Kochadhaman, District - Kishanganj, Bihar
6. Naiyer Mughni, Son of Quratul Ain, Resident of-Mahiyarpur, P.O.-Kanhaiyabari, P.S. -Kochadhaman, District - Kishanganj, Bihar
7. Subash Chandra Das, Son of Sarwamohan Das, Resident of-Singharitola, Rampur, P.S.- Kishanganj, District - Kishanganj, Bihar
8. Nafish Alam, Son of Hasibur Rahman Resident of-Laucha, P.S. Bahadurganj, District - Kishanganj, Bihar
9. Jahangir Alam, Son of Najim Anaver, Resident of Village-Sehangaon, P.S. -Kochadhaman, District - Kishanganj, Bihar
10. Abdul Barik, Son of Ishaque Ali, Resident of Halim Chowk, P.S.-Kishanganj, District-Kishanganj, Bihar.
11. Piyush Priyadarshi, Son of Digvijay Singh, Resident of Ward No.-29, Dumariya Bhatta, P.S.-Kishanganj, District-Kishanganj, Bihar.
12. Anzer Siddhiqui, Son of Md. Ismail, Resident of -Handipokhar, Padampur, P.S.-Dighal Bank, District-Kishanganj, Bihar.
13. Md. Haider Reyaji, Son of Reyaz Ahmad, Resident of-Bangama, Lohagara Hat, Bangaon, P.S.-Bahadurganj, District-Kishanganj, Bihar.
14. Khushboo Naz, Wife of Waquar Ahmad, Resident of Khodaganj, Kharsel, P.S.-Bahadurganj, District-Kishanganj, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Public Health Engineering Department Visheweshraiya Bhawan, Bailey Road, Patna, Bihar.
3. The Engineer-in-Chief, Public Health Engineering Department Visheweshraiya Bhawan, Bailey Road, Patna, Bihar.
4. The Chief Engineer, Public Health Engineering Department Purnea, Bihar.
5. The Superintending Engineer, Public Health Engineering Department P.H. Circle, Purnea, Bihar.
6. The Executive Engineer, Public Health Engineering Department P.H. Division, Kishanganj, Bihar.



... .. Respondent/s

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Appearance :
For the Petitioner/s : Mr.L.B. Singh, Advocate
Mr. Ashish Kumar Jha, Advocate
Mr. Nilesh Kumar Pandey, Advocate
For the Respondent/s : Mr. Anjani Kumar, Addl. Advocate General- 4

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-01-2024

The petitioners are small time contractors who are aggrieved with the issuance of a global tender in furtherance of implementing water supply scheme under the “*Har Ghar Nal Ka Jal Nischay*”. Essentially, the contention raised by the petitioners is that by issuing a global tender the petitioners who are small time contractors have been disqualified from applying under the tender notification. It is also the contention of the petitioners that in the year 2019 similar projects under the “*Har Ghar Nal Ka Jal Nischay*” was implemented in small packages with each work estimated at not more than Rs. 2 crores. The petitioners were contractors, who successfully bid and implemented the projects.

2. The petitioners, unemployed educated persons, were granted registration as Class-2 contractors to provide employment to the local people, another welfare scheme of the



Government, which has been frustrated by the global tender issued.

3. The notice inviting tender issued produced as Annexure-4 is with respect to “Design, Construction, Supply, Testing and Commissioning of Water Supply Schemes with Electric Driven Pumps and IRON Removal Treatment Plant having Technology (Adsorption/ Nano Technology) of CSIR or certified by CSIR or any other Technology Endorsed/approved by Gol in the IRON affected habitations/Wards of Districts of Bihar on turn-key basis with 3 months Trial Run after Commissioning and Comprehensive Operation and Maintenance of 60 months after successful completion of Trial Run Period under Mukhyamantri Nishchay (Quality Affected) yojna on Turn Key basis.”

4. Even according to the petitioners, the earlier contracts which were successfully bid by the petitioners were issued in small packages applicable to wards in the Municipality. In the present case, the entire district is sought to be provided water under the scheme and the work specified in the NIT also indicates the present NIT being with respect to areas having ground water quality issues. The mere fact of a global tender having been issued would not frustrate the welfare



scheme of the Government in issuing registrations to small time contractors.

5. It is for the Government to decide as to how a tender has to be floated, whether in small packages or as a single contract depending upon the area in which the scheme is to be implemented, the facilities required and so on and so forth. These are all policy matters on which the Government takes a decision based on expert advice. It is not for this Court to interfere with such policy decisions based on the grounds raised in the writ petition.

6. We find absolutely no reason to entertain the writ petition and dismiss the same.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	29.01.2024
Transmission Date	

