

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3641 of 2024

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Anil Kumar Pandey Security Agency through its signatory Lalan Prasad Singh, Gender- male, aged about 53 years, Son of Dina Nath Singh, Resident of Village- Deoria, P.S.- Koilwar, District- Bhjpur at Ara, Head Office at Mainpura, Opposite- Corporation Bank, Main Road, Danapur, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

1. Union of India through the Secretary, Ministry of Labour and Employment, Govt. of India.
2. ESIC Medical College and Hospital, Bihta, NH- 30, Sikandarpur, Patna- Ara Road, P.S.- Bihta, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Navin Sharma, Advocate Mr. Niraj Kumar, Advocate
For the Respondent No.2:		Mr. Anshuman Singh, Advocate
For the Union of India	:	Mr. Dr. K. N. Singh, Sr. Advocate Mr. Devansh Shankar Singh, Advocate Mr. Shivadity Dhari Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-02-2024

The petitioner is aggrieved with the fact that the petitioner was disqualified when the bids were opened at the technical evaluation itself. The petitioner contends that in fact there was a time limit granted for ‘technical clarification’ of two days, which was denied to the petitioner.

2. We see that the bid was to end as per Annexure P/1 bid document on 01.08.2023 at 18:00 hours. The bid opening date was also fixed on the same date at 06:30 PM. When the



bids were opened, it was found that the petitioner has not produced the essential documents relating to past performance with respect to the Directorate General Resettlement (DGR) category. The petitioner's disqualification is found from Annexure - P/3. The petitioner's contention is that the petitioner ought to have been granted two days time to make a clarification.

3. We looked at Annexure – 1, wherein, there is a time allowed for 'technical clarification' during technical evaluation which is of two days. The specific time permitted is for clarification and not for uploading of documents, which were not uploaded in the initial stage itself. Bid uploaded before the date and time stipulated should be having all the particulars for satisfying the eligibility criteria. The technical bid evaluation found that the petitioner has not uploaded the relevant documents.

4. We find absolutely no reason to interfere with the said disqualification and we do not find any reason for the Technical Evaluation Committee to have granted two days, since the issue raised is not of a clarification and is of not proper uploading of documents.

5. The petitioner also has a contention that again



within a few days, there was an uploading of the proper documents, which was also rejected as per Annexure – P/5.

6. We do not find any reason to interfere with that also since the disqualification found by the Evaluation Committee for non-production of some documents cannot be reviewed on the basis of the documents submitted after the bid date. As we held, the defect pointed out by the Evaluation Committee does not fall within the ambit of a clarification.

7. Faced with the situation, the petitioner submitted that the time for evaluation of tenders was not complied with by the authorities in evaluating the bids. The petitioner having been disqualified, cannot raise such a contention against the evaluation of the bids by the respondent authorities.

8. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.02.2024.
Transmission Date	NA

