

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4743 of 2023**

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Kanhaiya Kumar Son of Birendra Singh, Resident of Village- Amra, P.S.-  
Muffasil, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Vishweshwariya Bhawan, Bailey Road, Patna.
2. The Engineer-in-Chief, Rural Works Department, Vishweshwariya Bhawan, Bailey Road, Patna.
3. The Technical Bid Evaluation Committee, through its Chairman, Engineer-in-Chief, Rural Works Department, Patna.
4. The Chief Engineer-1, Rural Works Department, Bihar, Patna.
5. The Chief Engineer-4, Rural Works Department, Bihar, Patna.
6. The Superintending Engineer, Rural Works Department, Works Circle, Gaya.
7. The Executive Engineer, Rural Works Department, Works Division, Tekari, Gaya.
8. The Union of India, through Ministry of Communication and IT Department of Posts, Dak Bhawan, New Delhi.
9. The Chief Post Master General, Bihar Circle, Patna.
10. The Superintendent of Post Office, Aurangabad Division, Bihar.
11. The Post Master, Sub-Post Master (SPM), Aurangabad, Bihar.
12. M/S Mahadeo Construction, through its Proprietor Anuj Kumar Singh, Resident of Satyendra Nagar, Durga Chowk, Aurangabad, P.S.- Aurangabad, District- Aurangabad.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Nilesh Pandey, Advocate       |
| For the State        | : | Mrs. Archana Meenakshee, Advocate |
| For the UOI          | : | Mr. Uma Shankar Verma, Advocate   |
|                      |   | Ms. Kanak Verma, C.G.C.           |
| For Respondent No.12 | : | Mr. Ravi Kumar, Advocate          |
| For the Respondent/s | : | Smt. Archana Meenakshee (Gp6)     |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE RAJIV ROY**

**ORAL JUDGMENT**



**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 07-02-2024**

The petitioner is before this Court alleging that the National Savings Certificate (for brevity “NSC”) submitted by the Respondent No. 12 is not properly endorsed or pledged; rather duly endorsed/pledged as provided in the Clause 14 of the notice inviting tender. The specific contention is that if a NSC is to be duly pledged, it should be endorsed by the Head Office of the Postal Department in the State, as has been provided in Clause 28 of Annexure-2, which is the guidelines issued by the Ministry of Communication and Information Technology.

2. We notice from the records that already the respondent authority has taken proceeding against the Respondent No. 12 for the very same purpose. It may not be proper for us to decide on the issue, on an interpretation of the various clauses, at this stage, when a proceeding is initiated.

3. Whatever the decision be, we direct that the respondent authority issue a speaking order and the right to challenge the same is left to both the petitioner and the 12<sup>th</sup>



respondent; to whomsoever it is prejudicial.

4. The writ petition stands disposed of without any observation on the merits.

**(K. Vinod Chandran, CJ)**

**( Rajiv Roy, J)**

Anushka/-

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