

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4739 of 2024

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Chandra Bhushan Agro Enterprises Pvt. Ltd. having its registered office at Sagar, Pipra, District- East Champaran through its Director Sunil Kumar, Male, aged about 32 years, Son of Banti Sah, Resident of Village- Sambhuchak, Ward No. 7, P.S.- Kalyanpur, District- East Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Planning and Development Department, Government of Bihar, Patna.
2. The Engineer in Chief, Planning and Development Department, Government of Bihar, Patna.
3. The Chief Engineer, Local Area Engineering Organization, Patna, Department of Planning and Development Department, Government of Bihar, Patna.
4. The Executive Engineer, Local Area Engineering Organization, Works Division- 1, Motihari, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Standing Counsel 25

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 19-03-2024 The petitioner herein is aggrieved with the rejection of his technical bid. The technical bid was rejected only because of the character certificate of both the Directors of the petitioner, a Pvt. Ltd. Co., having not been furnished along with the tender document.

2. The learned counsel for the petitioner would specifically take us to Clause 28 of the Notice Inviting Tender which provides for the character certificate, which also indicates



that it shall be as per the Letter No. 29 dated 25.01.2021 of Home Department, Government of Bihar. The extract of that letter is recorded in the judgment produced as Annexure-P/7. We have obtained the translation of the same.

3. In the present case, the petitioner is a private limited company with two Directors. The character certificate was produced only of one Director. It was in such circumstances, the technical bid was declined.

4. As we see from the letter of the Home Department, dated 25.01.2021, every department who allots work by way of tender is required to positively obtain the character certificate issued by the District Police, from the persons, who have obtained the allotment for those works through tender. The persons indicates an individual, or a legal entity like a company as it is the case here. In the case of a company or in the case of a firm, the character certificate of the Directors or the partners will be required. It is more so, since Clause-B of the letter which deals with personnel engaged in executing the work, who has to be issued with identity cards, also mandates that their character certificate should be obtained from the District Police.

5. In the present case, there are only two Directors and it was incumbent on the petitioner to have produced the



character certificate of both these persons.

6. We find absolutely no reason to entertain the technical bid rejection. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

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