

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6229 of 2024

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M/s Annu Computer, Proprietorship Firm, having its Head Office at 1st Floor, BISCOMAUN Tower, West Gandhi Maidan, Patna- 800001, through its Proprietor, Abhay Kumar Singh (male), aged about 59 years, son of Late Adya Prasad Singh, resident of House No.- 79, Road No.- 21, Sri Krishna Nagar, P.O- G.P.O. P.S.-Buddha Colony, District Patna- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Electoral Officer, Bihar, Patna.
2. The Chief Electoral Officer, Bihar, Patna.
3. The District Election Officer-cum-District Magistrate, Samastipur, Bihar.
4. The Senior Official, Electoral Branch, Samastipur, Bihar.
5. The Deputy Election Officer, Samastipur, Bihar.
6. Sri Yogendra Singh, the District Election Officer-cum- District Magistrate, Samastipur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Advocate Mr. Sumit Kumar Jha, Advocate Ms. Riya Giri, Advocate
For the State	:	Mr. P.K. Shahi, Advocate General Mr. Amish Kumar, AC to AG Mr. Sanjiv Kumar, AC to AG
For the Election Commission:		Mr. Siddhartha Prasad, Advocate

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

Date : 25-04-2024

The petitioner is before this Court challenging the re-tender of a contract to print and publish Final Integrated Electoral Rolls for the Constituency of Samastipur within the State of Bihar.

2. Earlier a writ petition was filed by the very same



petitioner against the qualification of one of the persons whose financial bid stood qualified. The writ petition was numbered as CWJC No. 15685 of 2023 and the 7th respondent was impleaded as the person who was involved in a criminal case with respect to an identical contract of publication of Electoral Rolls. In fact, there was a specific condition in the earlier NIT that if at all there is involvement in a criminal case, it has to be disclosed. The objection against the qualification of the 7th respondent was that such involvement was not disclosed in the affidavit.

3. A Division Bench of this Court by Annexure-P-7 set aside the order passed in the technical bid by the Technical Bid Evaluation Committee on 14.10.2023.

4. A counter affidavit has been filed specifically contending that after the writ petition set aside the decision of the Technical Bid Evaluation Committee, the objections of the petitioner was heard. Information was also called for from the police about the involvement of the 7th respondent. It was informed that the 7th respondent had not been directly involved in the criminal case. However, in the above circumstances, especially in view of the judgment of this Court, a fresh tender was notified with altered conditions. The petitioner admittedly did not participate in the said tender since he was not qualified



to apply.

5. Learned Counsel for the petitioner submits that he could not participate since the eligibility criteria was changed, which the petitioner did not fulfil. This change was brought in to exclude the petitioner is the argument addressed.

6. We notice the submission of the learned Advocate General that the last date of publication of Electoral Rolls is tomorrow and the successful tenderers have also not been impleaded herein. It is admitted that the very same person who was disqualified earlier was awarded the contract, which was only on report being obtained that there is no involvement in the criminal case.

7. We are of the opinion that nothing survives in the writ petition and the same is closed as infructuous.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	26.04.2024
Transmission Date	

