

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6538 of 2024

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Grampus Laboratories having its registered office At 61,Jasmeet Nagar,
Ambala City, Ambala through its Partner Pawan Kumar Maini aged about 60
years (M),S/o-Mohan Lal Maini, Resident of -L.No.403, Jail Land Sector-1,
Ambala, P.O.-Ambala City, Haryana.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar,
Patna.
2. The Principal Secretary, Department of Animal and Fisheries Resources
Directorate of Animal Husbandry, Bihar,Patna.
3. The Director Department of Animal and Fisheries Resources Directorate of
Animal Husbandry, Bihar, Patna.
4. The Drug Controller Government of Bihar,Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sourav Suman, Advocate
For the Respondent/s : Mr. P.K. Shahi, Advocate General

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

Date : 20-04-2024

The petitioner is challenging the condition in a NIT
Annexure-P/1, for every bidder to have in-house Research and
Development facility as onerous.



2. The Notice Inviting Tender (NIT) was issued for supply of veterinary medicines. The eligibility criteria as per the NIT is that the participants should preferably be a manufacturer with strong market standing and having an in-house Research and Development (R&D) facility duly registered with the Department of Science and Industrial Research, Ministry of Science and Technology, Government of India along with valid registration of the product and appropriate license for manufacturing.

3. The petitioner's contention is that they have a Good Manufacturing Practices Certificate (GMP) and Good Laboratory Practices Certificates (GLP) as mandatorily required.

4. The Research and Development occurs prior to the invention of medicines and cannot have any role in the manufacturing is the contention.

5. We are unable to countenance such contention since research and development always embellishes the product quality. Further, if there is a prescription made by the awardee, merely because one of the manufacturers cannot bid would not be the only ground for challenge.

6. We find absolutely no reason to find the condition to



be onerous or arbitrary. It is the domain of the tender issuing authority to decide the eligibility conditions.

7. The writ petition stands dismissed *in limine*.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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