

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7470 of 2024

Rakesh Ranjan, Son of Rabindra Nath Thakur, Resident of Village-Dharampur Tajpur Road, Police Station- Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Food and Civil Supply Department, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Samastipur.
4. The District Magistrate cum Chairman, District Transport Committee, Samastipur.
5. The Chairman, District Transport Committee, Samastipur.
6. The District Transport Officer, Samastipur.
7. Bihar State Food and Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Rai Path, R-Block, Road No. 2, Patna through its Managing Director.
8. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Rai Path, R-Block, Road No. 2, Patna.
9. The Managing Director cum Chairman, Headquarter Transport Committee, Bihar State Food and Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Rai Path, R-Block, Road No. 2, Patna.
10. That General Manager (Public Distribution), Bihar State Food and Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Rai Path, R-Block, Road No. 2, Patna.
11. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar, Advocate
For the Respondent/s	:	Mr. Jitendra Kumar Roy, SC- 13
		Mr. Bijay Bhushan Prasad, AC to SC-13
For the BSFC	:	Mr. Anjani Kumar, Sr. Advocate
		Mr. Shailendra Kumar Singh, Advocate



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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-06-2024

The petitioner is aggrieved with the disqualification of his tender submitted before the respondent Bihar State Food and Civil Supplies Corporation Limited. Annexure-P/2 is the Notice Inviting Tender by which Door-Step Delivery Transporters were invited.

2. There were six transporters to be appointed as per the Tender notification and each tenderer bidding, was obliged to provide 25 vehicles of which three were to be registered in their own names.

3. The petitioner submitted his tender as is seen from Annexure-P/3. One of the vehicles submitted was BR33A-4751. We see from the evaluation of the Technical Bid Committee, produced at Annexure-P/1 that BR33A-7451 was a Bus and not a Pick-Up Van. In fact, there is a mistake in the number referred to, because it is BR31A-4751, which was submitted as per Annexure-P/3 and the number noticed is BR33A-7451 by the Technical Bid Committee.



4. Be that as it may, the petitioner admits that BR33A-4751 was not intended to be submitted along with the tender documents. The petitioner's own submission, as is evident from Annexure-P/5 series (Page 58) is that the actual vehicle number was BR31A-4751 and not BR33A-4751. In fact, he had also submitted the registration book of the vehicle along with the tender documents. The District Transport Officer had also clarified the same while making a report, as is seen at page 58.

5. The fact remains that the petitioner inadvertently or otherwise committed a mistake in submission of his tender document. When the technical bid committee opened the tender, it was not obliged to look into the various registration particulars produced; On a preliminary verification, it was found that the vehicle number submitted by the petitioner along with the tender made mention of by the petitioner in the tender document was a Bus and not a Pick-up Van. The petitioner admits to the mistake, but only submits that the registration particulars were also produced. In a competitive tender, when a mistake is admitted by one of the tenderers, it cannot be accepted that the same was inadvertent, to the detriment of the others.



6. Hence, we find absolutely no reason to interfere with the evaluation of the technical bid committee.

7. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2024
Transmission Date	NA

