

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8170 of 2024

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Titu Badwal son of Late Sohan Singh, Resident of Mohallah-Professors Colony, Milan Patty, Kishanganj, Police Station-Kishanganj (Muffasil), District-Kishanganj (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Government of Bihar, Nirman Bhawan, Nehru Path, Patna.
2. The Engineer in Chief cum Special Secretary cum Additional Commissioner, Rural Works Department, Government of Bihar, Nirman Bhawan, Nehru Path, Patna.
3. The Chief Engineer No. 2, Rural Works Department, Government of Bihar, Nirman Bhawan, Nehru Path, Patna.
4. The Superintending Engineer, Rural Works Circle, Kishanganj.
5. The Technical Secretary to the Engineer in Chief, Rural Works Department, Government of Bihar, Nirman Bhawan, Nehru Path, Patna.
6. The Project Director, M.M.G.S.Y., Government of Bihar, Nirman Bhawan, Nehru Path, Patna.
7. The Executive Engineer, Rural Works Division No. 2, Kishanganj at Kishanganj.
8. Ashok Kumar (Bid ID 563468) son of Parasuram Singh, Resident of Samvedana Colony Road, Pakari, Ara at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Tiwary, Advocate
For the Respondent/s : Mr.Vikash Kumar AC to AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-05-2024

The petitioner is before us contending that the



Technical Evaluation Committee having once approved the bid of the petitioner cannot modify it; especially if the Technical Bid Committee is comprised of the very same members.

2. The brief facts as we noticed is that by Annexure-1 Notice Inviting Tender (NIT) the petitioner’s bid is under Item No. 24:-

24	MMGSY-NDB-BRRP-634-KISHANGANJ-2	A1	Pothiya islampur RCD road near donkpul	Sethabari RCD road	1.791	293.682	27.497	321.179	14.512	Kishanganj-2
		A2	KTG RCD Road Indarpur	Darogaon	0.914	110.936	14.736	125.672		
		A3	Dahelbari Primary School	Baghalbari middle school-2	0.928	100.969	16.258	117.227		
		A4	Tipu chowk	Purab Panasi	1.231	142.769	18.742	161.511		
	Total		4		4.864	648.356	77.233	725.589	14.512	

3. The petitioner and two others had bid under the NIT for this item. Only two persons qualified and the petitioner was one of the persons who qualified. Later, the very same Technical Evaluation Committee reviewed the case of the petitioner and found that the documents were misleading and hence rejected the bid of the petitioner.

4. The learned Government Advocate appearing for the respondents submits on instruction that it was based on a complaint received from the other bidders that the matter was taken up again and on verification it was found that the



petitioner had produced a forged document; specifically a bill.

5. We specifically queried learned Counsel for the petitioner as to whether any statement is made as to the document produced being genuine; in the writ petition. However, the learned Counsel had only this to submit that the very same Technical Bid Committee cannot modify its earlier order and if that is allowed then they would do whatever they wanted in the tenders floated by the Government.

6. We are not convinced that this is a situation which calls for interference of this Court under Article 226 of the Constitution of India. On complaint received, the very same Technical Bid Committee had considered the documents afresh and found that there was a fraudulent document produced. Annexure-4 clearly indicates that the petitioner had produced a bill/invoice issued by one M.M.Enterprises along with the documents submitted in two tenders; but showing different dates; i.e. one of 2014 and the other of 2017. The bill of 2017 was also dated 20.09.2017; after the G.S.T. regime had come into effect. But, the tax deduction shown in the bill was of VAT clearly indicating it to be one issued prior to 01.07.2017; the date of coming into force of G.S.T. On the principle that fraud vitiates everything which has not been



countered in the writ petition, we dismiss the writ petition *in limine*.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

ranjan/-

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

