

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9326 of 2024

M/s R. K. Tech. Proprietorship firm having its registered office NH- 28A, Bankat- Bariya, P.S.- Muffasil, District- East Champaran, PIN- 845401, through its Proprietor Raj Kumar Tripathi, Gender- Male, Age about 44 years, Son of Ram Babu Tripathi, Resident of Rajpur, East Champaran, Bihar, PIN- 845432.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Electoral Officer, Bihar, Patna.
2. The Chief Secretary, Government of Bihar.
3. The Chief Electoral Officer, Bihar, Patna.
4. The District Election Officer- cum- District Magistrate, Begusarai, Bihar.
5. The Senior Official, Electoral Branch, Begusarai, Bihar.
6. The Deputy Election Officer, Begusarai, Bihar.
7. The Technical Bid Committee in relation to tender, bearing PR No.- 020182 (Election) 2023-24.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Girijish Kumar, Advocate
For the State	:	Mr. Sunil Kumar Mandal SC-3
For the Election Commission	:	Mr.Siddhartha Prasad, Advocate

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

Date : 26-06-2024

The petitioner is before this Court contending that on the basis of an observation that the petitioner has suppressed the pendency of criminal case against itself and its employees, the petitioner was disqualified from a tender as per Annexure-P/9. The petitioner does not seek reconsideration of the tender but only seeks expunging of the remarks.



2. In fact earlier the petitioner was qualified in a similar tender for publication of Photo Voter List in the district of Samastipur. The petitioner was alleged to have not disclosed the criminal case pending against itself. Therein the petitioner, a rival tenderer, had contended that the petitioner who was the 7th respondent has submitted false affidavit and there was material suppression of facts with respect to the Mithanpura police station case lodged against the employees of the petitioner, wherein, chargesheet was submitted on 30.11.2019. Therein, this Court found that despite the petitioner asserting that the accused arrayed were not his employees he had not attempted to produce a list of his employees before this Court. This observation was made specifically since even the letter addressed by the petitioner to the Station House Officer, Mithanpura, admitted that the Laptop seized from one of the accused had the name of the agency M/s R.K. Tech on it. The FIR also spoke of employers of the 7th respondent therein, who is the petitioner herein, being present in the house of the accused when the raid was conducted. It was hence the Division Bench set aside the decision taken on 14.10.2023 by the Technical Bid Evaluation Committee qualifying the 7th respondent. Again the work was awarded to the petitioner herein which was



challenged in CWJC No. 6229 of 2024, resulting in Annexure-P/12 judgment. The official respondents in the said case had taken a contention that after setting aside the decision of the Technical Bid Evaluation Committee of 14.10.2023, the objections were heard and information was called for from the police about the involvement of the 7th respondent in CWJC No. 15685 of 2023. It was informed by the Superintendent of Police that there was no direct involvement of the petitioner who was the 7th respondent in CWJC No. 15685 of 2023. A fresh tender was notified hence, with altered conditions. Therein the challenge was against the altered conditions which disentitled the petitioner therein from pursuing the matter as per the NIT. Especially noticing the fact that the date of publication was on the next day, the writ petition was dismissed.

3. The petitioner relies on Annexure-P/12 to contend that since this Court has upheld the fact that the petitioner had not been involved as reported by the Superintendent of Police, the observation in Annexure-P/9 leading to his disqualification should be expunged.

4. We have to specifically notice that we have not upheld the communication of the Superintendent of Police. We only recorded the submission of the learned Advocate General



that a report was called for from the Superintendent of Police and on that basis there was a re-tender ordered. It does not lead to our finding that the petitioner is not involved in the criminal case. The dismissal of the writ petition was only because the contract had been completed since the publication of the voters list, the work awarded, was to be on the very next day. However, if the petitioner has sufficient material to indicate that there is no involvement of the petitioner, the petitioner would be entitled to approach the authority which passed Annexure-P/9 to expunge such remarks.

5. The writ petition stands closed leaving such liberty to the petitioner.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

ranjan/-

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

