

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9129 of 2024

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Maa Bhawani S.B.SSSSL Katihar, Indira Nagar, Laliyahi, P.O - Katihar Mills,
District - Katihar, Bihar, a registered Co-operative Society Act, represented
through its Executive, Pradyut Kumar Chaubey, Son of Late Prakash Chandra
Chaubey, aged about 51 years, (Male), Resident of Indira Nagar Laliyahi, P.O.
- Katihar Mills, P.S. - Sahayak Thana, District - Katihar.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Govt. of India, New Delhi.
2. The General Manager, North Frontier Railway Malegaun, Guwahati.
3. The Divisional Railway Manager, North Frontier Railway Katihar, DRM Office, Katihar.
4. The Senior Divisional Commercial Manager, North Frontier Railway Katihar, DRM Office, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. J.S.Arora, Sr. Advocate Mr.Manoj Kumar, Advocate
For the Respondent/s	:	Mr.Subodh Kumar Jha, Sr. CGC Mr. Ram Tujabh Singh, CGC

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

Date : 25-06-2024

The petitioner is concerned with the contract he tendered for, as per Annexure-1 Notice Inviting Tender. The contract related to parcel handling at Katihar Station. The work experience indicated was as follows:-

“3.A. Technical Bid

Work Experience:- The bidder should have satisfactorily completed in the last three previous financial years and the current financial year (i.e. 2023-



24, 2022-23, 2021-22, 2020-21) upto the date of opening of the tender, one similar single service contract for a minimum of 35% of advertised value of the bid.

*Completed Service Contract includes ongoing service contract subject to payment of bills amounting to at least 35% of the advertised value of the bid.”

2. The petitioner was alleged to have produced experience certificate only for three previous financial years and though the technical bid had initially approved his tender, later after the financial bid was opened, it was cancelled. The petitioner is before this Court challenging the same.

3. The learned Senior Counsel appearing for the petitioner pointed out Annexure-2, which indicates three tenderers having qualified in the technical bid, of which the petitioner had quoted the lowest, giving him the rank of ‘L1’. It was later, a complaint was filed pointing out lack of experience of the petitioner, which is said to be ill-motivated and initiated on behalf of the other two tenderers, who had been ranked ‘L2’ and ‘L3’. In such circumstance, the petitioner seeks interference to the cancellation.

4. The cancellation order has not been produced, but the learned Senior Counsel submits that the same has been uploaded in the portal.

5. We notice that the work experience is specifically



of four financial years including the current financial year and the last three previous financial years. The experience certificate submitted by the petitioner along with the tender has not been produced in the writ petition. There is nothing to indicate that the petitioner has submitted the work experience of four financial years, as is required under the NIT.

6. We also notice that the two successful tenderers who are seen from Annexure-2, have not been impleaded in the writ petition.

7. For all the above reasons, we find absolutely no reason to entertain the writ petition. The writ petition is dismissed *in limine*.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	26.06.2024
Transmission Date	

