

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9145 of 2023

M/s Ghanaram Infra Engineers Pvt. Ltd. Corp. Office at 650, CIC Campus, Jhokan Bagh, Jhansi, P.S- Jhansi Town, District- Jhansi (U.P.), through its authorized representative Sri Veer Singh Jakgar, aged about 49 Years, Male, Son of Shri Rishall Singh Jakhar, Resident of House No. 35, NH-2, Road Miles Stone 70, Near Delhi Public School, Mansha Green, Aurangabad, Hodal, Palwal, Hodal, Haryana-121106.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Joint Secretary (Engineering), Water Resources Department, Government of Bihar, Patna.
4. The Engineer-in-chief, Water Resources Department, Government of Bihar, Patna.
5. Chief Engineer, Yojna and Monitoring, Water Resources Department, Government of Bihar, Patna.
6. The Chief Engineer, Flood Control and Drainage, Water Resources Department, Samastipur.
7. Chief Engineer, Flood Control and Water Nissaran, Water Resources Department, Samastipur.
8. The Superintending Engineer, Flood Control, Planning and Monitoring Circle, Water Resources Department, Bihar, Patna.
9. The Superintending Engineer, Water Resources Department, Flood Control Circle, Darbhanga.
10. The Executive Engineer, Flood Control Division-II, Water Resources Department, Jhanjharpur, District- Madhubani.
11. M/s Mateshwari Construction, Mamka Niwash, New Area, Chitour Nagar, Aurangabad, P.S.- Aurangabad Town, District- Aurangabad.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
For the Respondent/s : Mr. P.K. Shahi, AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-02-2024

The petitioner is aggrieved by the tender awarded to



respondent no.11 on a draw of lots conducted under the procedure prescribed. The petitioner and the respondent no.11 applied for e-tender and both of them qualified in the technical evaluation. On opening of the financial bid, it was found that there were identical rates quoted by both of them, which necessitated a draw of lots, as has been indicated in Annexure-14.

2. The petitioner's contention is that the draw of lots was carried out in such a manner as to favour the 11th respondent.

3. The petitioner had approached this Court earlier with a writ petition being **C.W.J.C. No. 7143 of 2023** titled as **M/s Ghanaram Infra Engineers Pvt. Ltd. Corp. v. The State of Bihar & Ors.** disposed off by Annexure-9. A Division Bench of this Court rightly found that these are all matters to be considered by the authorities and relegated the petitioner to the authorities before whom the petitioner was given liberty to file a representation.

4. On the representation filed Annexure-C indicates that a Committee was constituted and in addition to that Annexure-D, a Technical Committee was also constituted. The Technical Committee looked into the representation of the



petitioner and rejected the same by Annexure-E.

5. We do not find any reason to interfere with the decision taken in a judicial review; going by the trite principle that judicial review is only of the process of decision making and not of the decision itself. As rightly observed by the earlier Division Bench, it is not for this Court to decide these issues under Article 226 of the Constitution of India. There is no dispute that both the parties had quoted identical rates when the financial bid was opened. Then it was just a fortuitous circumstance that in the lot, the 11th respondent was awarded the work by a draw of lots.

6. We find absolutely no reason to exercise the extraordinary remedy under Article 226 of the Constitution of India to interfere with the decision taken.

7. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

rohit, supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16-02-2024
Transmission Date	

