

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9807 of 2023

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Tejnarayan Ojha S/o Dhanjee Ojha Resident of Village- Devmalpur,
Bahudari, Mahuar, P.S.- Shahpur, District- Bhojpur. Petitioner/s
Versus

1. The State of Bihar through the Chief Secretary.
2. The District Magistrate, Bhojpur.
3. The Executive Officer, Nagar Panchayat, Bihia, District- Bhojpur.
4. The Chairman, Nagar Panchayat, Bihia, District- Bhojpur.
5. Harekrishna Singh, S/o Taluknath Singh Resident of Village- Khadara, P.S.- Jagdishpur, District- Bhojpur.
6. Pramod Kumar Tiwari, S/o Dwarika Tiwari Resident of Village- Sundarpur Barja, P.S.- Bihia, District- Bhojpur.
7. Poonam Tiwari, Proprietor of Gajanan Enterprises, Sankat Mochan Nagar, New Police Line, Ara, District- Bhojpur.
8. Indra Kumar Pathak, S/o Jagnarayan Pathak Resident of Village- Hetampur, Barja, P.S.- Tiyar, District- Bhojpur.
9. Baban Tiwari, S/o Late Shriram Tiwari Resident of Village- Chanaur, P.S.- Bihia, District- Bhojpur.
10. Dibyabh Pandey, S/o Tej Narayan Pandey Resident of Ward No. 7, Main Road, Raja Bazar, P.S.- Bihiya, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Mishra, Advocate
For the State	:	Mr. Yogendra Prasad Sinha, AAG-7
		Mr. Rajeev Kumar Sinha, AC to AAG-7
For the Nagar		
Panchayat, Bihia	:	Mr. Shankar Kumar, Advocate
	:	Mr. Rakesh Ambastha, Advocate
For the Res Nos. 6 & 9	:	Mr. Dhaneshwar Vashist, Advocate
		Mr. Binay Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-03-2024 Heard learned counsel for the petitioner, State as also
the respondents, who were noticed earlier.

2. The present writ petition has been preferred for the
following reliefs:

*(i) for a direction to the
Respondent authorities to declare the*



process of selection of bidder through open Tender pursuant to Notice Inviting Tender dated 06.02.2023 as void ab initio as unqualified bidder under technical bid was called out to participate in financial bid.

(ii) for quashing provisional Parwana bearing letter no. 193 dated 28.03.2023 as well Agreement dated 28.03.2023 held in favour of Respondent no. 5 in teeth of settled norms as the selection of bidder (Respondent No.5) whose tender document was found deficient to meet the condition of clause-4 of the NIT amounting disqualified under technical bid;

(iii) for quashing of Notice Inviting Tender dated 06.02.2023 as it has been issued under the signature of clerk working on contractual basis, has not been assigned financial power;

(iv) for a direction to the Respondent authority to enquire into the matter of tender pertaining to parking charge of vehicle falling under Nagar panchayat Bihia though no such parking place has been earmarked for parking of vehicle.

3. Learned counsel for the petitioner candidly accept that the tenure is almost over as the same was from 01.04.2023 to 31.03.2024. He, however, submits that the Executive Officer,



Nagar Panchayat, Bihia gave the tender to the respondent no. 5 after putting the norms and regulation on the rack. He as such submits that the same has to be inquired into.

4. In that view of the matter, since the tenure is now almost over, the relief sought for cannot be granted to the petitioner. However, the role of the Executive Officer, Nagar Panchayat, Bihia, Bhojpur has to be looked into by the District Magistrate, Bhojpur (respondent no. 2).

5. Considering the aforesaid facts, the writ petition stands disposed of with limited liberty to the petitioner to prefer representation before the District Magistrate, Bhojpur with all the relevant document to show the irregularity committed within a period of four weeks from today. If the said petition is filed, the District Magistrate, Bhojpur shall look into the matter, call for the records as also the decision of the Executive Officer, Nagar Parishad, Bihia, Bhojpur and take the matter to its logical conclusion within a period of four months from the receipt/production of a copy of this order.

6. The CWJC No. 9807 of 2023 stands disposed of.

(Rajiv Roy, J)

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