

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12676 of 2024

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Mukund Kumar, Son of Late Baban Bihari Prasad, Resident of Ward No. 3,
Bisrahiya, Dhaka, P.S.- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Rural Works Department,
Government of Bihar, Patna.
2. The Principal Secretary, Local Area Engineering Organization, Patna.
3. The Engineer-in- Chief-cum- Additional Secretary-cum- Special Secretary,
Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer, Local Area Engineering Organization, Work
Division, Tirhut Division, Muzaffarpur.
5. The Executive Engineer, Local Area Engineering Organization, Work
Division- 02, Pakridayal, East Champaran.
6. The Assistant Engineer, Local Area Engineering Organization, Work
Division- 02, Pakridayal, East Champaran.
7. The Junior Engineer, Local Area Engineering Organization, Work Division-
02, Pakridayal, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate
		Mr. Vikas Kumar, Advocate
For the Respondent/s	:	Mr. Kumar Manish- SC 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-12-2024

The petitioner is concerned with his disqualification
in a tendering process; allegedly without any reasons.

2. We specifically asked the respondent authority to



file a counter affidavit on the reason for disqualification. As of now, a counter affidavit has been filed in which it has been stated that the petitioner had not disclosed a work pending; which was a requirement as per the NIT. The specific reference is made to the NIT, produced at Annexure-B, and sub-clause(viii) of Clause 21. There is a specific requirement to disclose the pending work of the bidders. The disqualification was also on such pending work having not been disclosed.

3. Faced with the situation, the petitioner has filed a rejoinder, from which the learned Counsel specifically points out Paragraph-18, which is extracted hereunder:-

“18. The tender is awarded but until the work order is not issued and accordingly letter for entering into agreement is not served the particular work can't be stated as either work in progress or pending work”.

The petitioner's contention hence is that unless the agreement is entered into, there is no question of disclosing the work awarded to the petitioner in a tendering process.

4. We cannot agree to the said contention, taken in the rejoinder. Details of pending work are sought, along with the bid to evaluate the prior conduct of the bidder, in execution of



works and also to ascertain that the bidder has not overloaded himself with too many contracts leading to delay in execution of work. Here, non-disclosure of a tender awarded is clearly admitted. The petitioner in the rejoinder also makes elusive statements about works awarded, objection filed by competing contractors and the non-execution of agreement with respect to different N.I.Ts.

5. In the totality of the circumstances, we find that admittedly full disclosure has not been made of the works pending with the petitioner. Petitioner also cannot take a stand only after agreement is executed, there would be a disclosure, since normally when an award is made and LOA issued; execution of agreement is the obligation of the successful bidder. We find absolutely no reason to entertain the writ petition.

6. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Nani Tagia, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	05.12.2024
Transmission Date	

