

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13007 of 2024

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Kailash Prasad Yadav Construction Pvt. Ltd. Through its director Prakash Kumar, Male aged about 43 years S/o Kailash Prasad Yadav, R/o Village and P.O.- Hulas, PS- Raghobpur, Pin Code- 852111, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar Through, its Secretary, Rural Works Department, Govt. of Bihar, Vishwaswraia Bhawan, Baily Road, Patna.
2. The Engineer in Chief, Rural Works Department, Govt. of Bihar, Vishwaswraia Bhawan, Baily Road, Patna.
3. The Superintending Engineer, Rural Works Department, Work Circle- Madhubani, Rural Works Department Govt. of Bihar.
4. The Executive Engineer, Rural Works Department, Works Division- Phulparas, Rural Works Department, Govt. of Bihar.
5. B.N Enterprises, (BID ID- 576926) Registered Office at C/o- Bhola Nath Prasad, Vill and P.O- Nechua, Pin Code- 841503, P.S- Jalalpur, District- Gopalganj.
6. M/s Mateshwari Construction, (BID ID- 577193) Registered Office at C/o- Vikash Kumar, Vill-Mamka Niwash, P.O- Bhadwa, Pin Code- 824122, P.S- Town Police Station Aurangabad, District- Aurangabad.
7. Hemant Kumar Singh S/o- Late Shiv Mangal Singh R/o- Vill and P.O- Shivpuri, Ward No. 16, P.S.- Buxar Code-802101, District- Buxar.
8. Govind Kumar Jha S/o- Anand Jha R/o- Vill-Araria Sangram, P.O- Tulapatganj, P.S- Jhanjharpur Pin Code- 847109, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Advocate Mr. Ravi Kumar, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Ambastha, Standing Counsel 26 Mr. Tripurari Nath Ambastha, AC to SC-26

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-09-2024

The petitioner contends that the initial technical qualification was carried out in July, 2024, when out of six



bidders, only three, including the petitioner was qualified as per Annexure-P/2 dated 10.07.2024. Complaint was raised by the petitioner and objections against disqualification; were filed by the three disqualified bidders. On a reevaluation on 07.08.2024 (Annexure-P/4) the 5th respondent, who was earlier disqualified stood qualified. The qualification of the respondent nos. 6 and 8 was also re-affirmed. A further complaint filed by the petitioner was also entertained and after calling for a report from the Executive Engineer (respondent no. 4) the Technical Committee by Annexure-P/5 dated 06.08.2024 again affirmed its decision of 07.08.2024 after which the petitioner had made a further objection.

2. The learned Counsel for the respondent submits that two reviews were conducted on 07.08.2024 and 16.08.2024, which are disclosed by Annexures- P/4 and P/5. All the five including the petitioner were found to be qualified.

3. In such circumstances, when the technical committee has considered the representations and objections we do not think that we should consider the objections in *seriatim* in a petition under Article 226 of the Constitution of India. We are concerned more with the manner in which the decision was arrived at, in judicial review, rather the efficacy of the decision



itself which are technical matters into which this Court would not go into.

4. The writ petition stands dismissed *in limine*.

(K. Vinod Chandran, CJ)

(Nani Tagia, J)

aditya/-

AFR/NAFR	
CAV DATE	
Uploading Date	11.09.2024.
Transmission Date	

