

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14221 of 2023

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Ram Subodh Singh Son of Ram Pravesh Singh, resident of Ward No. 26,
Panhas, near Shiv Mandir, P.S. - Begusarai, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Planning and Development Department, Patna.
2. The Principal Secretary, Planning and Development Department, Patna.
3. The Chief Engineer, Local Area, Engineering Organization, Planning and Development Department 4th Floor, Vishwesharaiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, Local Area, Engineering Organization, Work Circle, Munger.
5. Executive Engineer, Local Area, Engineering Organization, Work Division No. 1, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Respondent/s : Mr.Ajay (GA-5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-02-2024

The petitioner is before this Court contending that the petitioner despite becoming successful both in the technical bid and the financial bid, it has not been acted upon only because he is the single bidder. Actually the facts are otherwise, is the argument advanced.

2. The petitioner relies on the records to show that there were initially four bidders of which three qualified and one



was declared disqualified in the technical bid. The petitioner was one of the persons who was qualified in the technical bid. The other two persons failed in the financial bid and hence the petitioner ought to have been awarded the contract; is the compelling plea. It is pointed out that, since there were three bidders whose financial bid was opened, definitely the bid of the petitioner should have been accepted.

3. The learned Government Advocate asserts that there was no consideration possible because out of three qualified in the technical bid, two were disqualified in the financial bid for having not uploaded the required documents. This is the circumstance in which there was only one bid, for consideration, for which there is a bar.

4. We are convinced that there is nothing to be interfered with, especially since the single bid of the petitioner would efface the competitiveness which is the essence of a tender process. Admittedly all the other bidders were disqualified either in the technical or the financial bid. There should be at least two bids which are worthy of consideration before the authority to ensure that there is competitiveness in the tender process. Otherwise, one bidder could set up others who would fail in the technical or financial bid and in that



circumstance the single bidder would be awarded the contract. This is a situation where the authority will not be able to exercise its discretion to award the contract, to the best bid made. The circumstances coming out in this case definitely makes the petitioner the single bidder, whose tender stood qualified under both the technical and financial bid. There is in existence a bar from from considering a single bid; as accepted by the petitioner also.

5. We also see that the petitioner has made allegations against the Executive Engineer in Paragraph Nos. 13 and 14 and there is no impleadment of the said officer in his personal capacity.

6. We do not think there is any cause for interference in the writ petition.

7. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Anushka/-

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CAV DATE	
Uploading Date	09.02.2024
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