

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13788 of 2023

Sanjeev Ranjan Son of Ram Naresh Sharma, Resident of Mohalla - Surkhikal,
Tilkamanjhi, P.S. - Barari Ward no. 26, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home (Jail) Department,
Govt. of Bihar, Patna.
2. The Inspector General of Prisons, Home (Jail) Department Bihar, Patna.
3. That District Magistrate, Gaya.
4. The Superintendent Central Jail Gaya.
5. The Superintendent, Sub Jail Sherghati, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Advocate
For the Respondent/s : Mr. Md. Nadim Seraj (GP 5)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJIV ROY)

Date : 30-01-2024

The present writ petition has been preferred for quashing of the order/memo no. 8151 dated 27.12.2022 passed by the Superintendent, Central Jail, Gaya by which the writ petitioner has been blacklisted and the security amount forfeited.

2. The matrix of facts giving rise to the present writ petition is/are as follows:

3. The petitioner claims to be an order supplier to the Government and used to supply goods in the different jails of Bihar.



4. In the light of Home Department (Prisons), Bihar letter no. Prison Budget (Tender) 18/01/2019-2380 dated 30/03/2020, separate Tenders were invited for the selection of agencies/firms for the supply of food grains, green vegetables, potatoes, onions and other miscellaneous goods as also the manufacturing items of daily use for the prisoners and the maintenance of office at the Central Jail, Gaya and the Sub Jail, Sherghati, Gaya for the financial year 2022-2023.

5. The petitioner participated in the e-Tender and since the prices quoted by him were found to be the lowest, he became successful in getting the Tender. However, later on, the petitioner discovered that the prices quoted by him were misprinted from column nos. 1 to column no. 149 of part- 'C' of the tender for the Central Jail, Gaya.

6. According to the petitioner, on 01.05.2022, he made an application before the District Magistrate-cum-Chairman Jail Purchase Committee, Central Jail, Gaya (henceforth for short, 'the Committee') pointing out the mistake stating that due to the computer misprint, he has quoted the rates of most of the items at the universal rate of Rs. 82/- which may be considered deleted.

7. The allegation is that despite the request made by



the petitioner, no attention was given towards the mistake and he was later informed by the Superintendent, Central Jail Gaya vide memo no. 3339 dated 03.06.2022 that annual rate of food grains and other materials for the financial year 2022-23 has been approved by 'the Committee'. The petitioner was further directed to deposit in the form of Bank guarantee, Rs. 6,50,000/-. He was further informed by the said respondent vide office letter no. 3356 dated 03.06.2022 that the petitioner shall ensure supply of materials immediately.

8. The petitioner was subsequently reminded vide memo no. 3584 dated 13.06.2022 to ensure timely supply of the items earmarked in the tender for the financial year 2022-23 by contacting the jail office. However, for want of necessary corrections, the petitioner did not made any supply. On 21.06.2022, a meeting of 'the Committee' was convened under the Chairmanship of the District Magistrate, Gaya in which it was unanimously decided to take action against the petitioner.

9. Learned counsel for the petitioner submits that when he did not enter into any agreement, the direction to supply the goods/items was/were uncalled for. However, accepting the direction of the respondent authorities, while he



was preparing for the Bank Guarantee, received the memo no. 8151 dated 27.12.2022 (Annexure-9 to the writ petition) by which the petitioner was blacklisted and the security deposit was forfeited. His submission is that the respondents have blacklisted him without specifying any period and that may result in his being being blacklisted forever.

10. Learned counsel for the petitioner submits that a bare perusal of the tender submitted by the petitioner would show that it was simply a computer misprint which resulted in the rates of most of the items under group (ख) as Rs. 82/- which the authorities could have permitted him to delete with fresh rates. He as such submits that the writ petition be allowed.

11. Learned State Counsel, on the other hand, with the help of the counter affidavit, submits that pursuant to the e-Tender notice for the financial year 2022-2023 for the supply of green vegetables, potatoes, onions and other miscellaneous goods at Central Jail, Gaya and Sub-Jail, Sherghati, Gaya, the petitioner participated and his bid being the lowest, was declared successful.

12. 'The Committee' thereafter approved his bid which followed the letter of the respondent, the Jail



Superintendent, Central Jail, Gaya dated 03.06.2022 requesting him to deposit the Bank Guarantee of Rs. 6,50,000/- as also signing of the agreement. Further, he was asked to ensure supply of the material immediately. According to the learned Counsel, they were not in receipt of the letter sent by the petitioner.

13. As the petitioner sat over the matter, another letter was issued on 13.06.2022 (Annexure- R3/F to the counter affidavit) to ensure timely supply of the items mentioned in the tender bid for the financial year 2022-2023.

14. It was only when the petitioner defied the aforesaid letters which virtually caused unrest and chaos in the Jails that on 21-06-2022, a meeting of 'the Committee' was convened under the Chairmanship of the District Magistrate, Gaya and decision was taken to blacklist him.

15. However, the Superintendent, the respondent, Central Jail, Gaya vide office memo no. 3985 dated 30-06-2022 gave another rope to the petitioner for the supply of goods. Since the petitioner rigidly did not supply the goods items, the Superintendent Central Jail, Gaya having no option, blacklisted him vide office memo no. 8151 dated 27.12.2022. The same being fully justified, the writ petition is fit to be



dismissed.

16. Having gone through the rival submissions and after perusing the materials on record, we are of the considered view that the petitioner having been declared successful in the tender bid, he was duty bound to ensure immediate supply of items in the Jail/Sub-Jail and his failure to do so definitely would have affected both the Jail/Sub-Jail and its inmates/prisoners.

17. It is not the case of the petitioner that after he was declared successful in the bid, he was diligent enough to ensure supply of the items while opening the channel of communication with the respondents to take corrective measures. Instead, he simply sat over the matter and despite being allotted the work chose not to supply anything for the next six months and only thereafter, in the month of December, 2022, he was blacklisted. The petitioner was responsible for misquoting the price and after the tender is finalized he cannot claim that the rates were misquoted, especially since the tender was awarded to him based on the prices quoted. If such mistakes are allowed to be corrected then the whole exercise of floating a tender to get the best, competitive price would be frustrated.



18. So far as the letter dated 01.05.2022 (Annexure-3 to the writ petition) which the petitioner claims to have sent to 'the Committee', this Court does not find any endorsement of the respondent authority and in absence of that, it can be safely construed that it is a created piece of paper. This we record in view of the denial of the said statement in the counter affidavit filed by the respondents.

19. The petitioner having submitted the bid, was declared successful but chose not to act thereafter and in the process created chaos/unrest in the Jails, the respondents was fully justified in taking the decision.

20. In the aforesaid facts and circumstances, we do not find any error in the order passed by the respondent no. 4, the Superintendent, Central Jail, Gaya communicated to the petitioner vide memo no. 8151 dated 27.12.2022.

21. However, as the period of blacklisting has not been specified in the order, we deem it fit and proper that the same is restricted to two years from the date of the issuance of the order i.e. 27.12.2022. We accordingly order that the effectiveness of the memo no. 8151 dated 27.12.2022 shall come to an end on 26.12.2024.

22. The writ petition stands disposed of with the



above observation.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	05.02.2024.
Transmission Date	

