

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13501 of 2024

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Anand Mishra S/o Umesh Mishra, Resident of Village-Ramdas Bagahi, P.O.-
Bagahi Bazar, P.S.-Kateya, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Addl. Chief Secretary, Education Department,
Government of Bihar.
2. Bihar State Educational Infrastructure Development Corporation Ltd. Bihar
Patna through its Managing Director.
3. The Chief Engineer, Bihar State Educational Infrastructure Development
Corporation Ltd. Bihar, Patna.
4. The Superintendent Engineer, Bihar State Educational Infrastructure
Development Corporation Ltd. Bihar, Patna.
5. The Executive Engineer, Bihar State Educational Infrastructure
Development Corporation Ltd. Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kumar Harshvardhan, Advocate Mr. Sudhanshu Prakash, Advocate
For the State	:	Mr. P.K. Shahi, Advocate General
For the Corporation	:	Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-10-2024

The petitioner is aggrieved with the cancellation of his
bid; after the financial bid was opened.

2. The petitioner had applied under Serial No. 8 for
the work ‘Construction of 108 Nos Additional Class Room in
Gopalganj District’, as per Annexure-P/1 Notice Inviting Tender
(for brevity ‘NIT’). The petitioner and one another person
qualified in the technical bid. As per Annexure-P/3, the



petitioner had submitted a bid of Rs. 12,09,26,935.03, while the Bill of Quantity (for brevity 'BOQ') was Rs. 12,47,78,000. The petitioner's bid being below the BOQ was declared as L-1. However, later a cancellation was done, as is seen from Annexure-R/C, produced along with the counter affidavit, wherein no reasons are stated.

3. The learned Standing Counsel, appearing for the respondent-Corporation, submits that the Corporation wanted to make the bid more competitive, and hence cancelled it. It is pointed out that the bid of the petitioner was only slightly below the BOQ.

4. Admittedly, the Corporation again tendered the work as per Annexure-P/4, on which there was no bids at all. A corrigendum was issued after Annexure-P/4, which also did not evoke any response.

5. In fact, the counter affidavit admits that even earlier by Annexure-R/A, the specific work of construction of 108 additional Class Rooms in Gopalganj District was tendered as per Serial No. 28 of Annexure-R/A, to which also there was absolutely no response. Evidently, the attempt of the respondent-Corporation to get a more competitive tender than that submitted as per Annexure-P/3 did not fructify. The earlier



attempt and the later attempt proved to be futile.

6. Especially considering the fact that the tender was with respect to construction of class rooms, we are of the opinion that the petitioner should be awarded the tender, and we hence set aside Annexure-R/C, filed along with the counter affidavit, so far as the petitioner is concerned. The work, as tendered by Annexure-P/1 at Serial No. 8, shall be awarded to the petitioner on the terms and conditions of the NIT. The respondent shall issue an LOA within a period of three weeks from today. The other conditions shall be satisfied by the petitioner as per Annexure-P/1 NIT.

7. The writ petition stands allowed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	30.10.2024
Transmission Date	

