

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16560 of 2024

Chhotiya Construction Pvt. Ltd. through its Managing Director, Ashok Kumar (male), aged about 61 years (male), Son of Late Rajnandan Sharma, R/o Mohalla-East Gandhi Maidan, P.S. and District-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Rural Works Department Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Rural Works Department Govt. of Bihar.
3. The Engineer-In-Chief Rural Works Department Govt. of Bihar, Patna.
4. The Chief Engineer-2, Rural Works Department Govt. of Bihar, Patna.
5. The Technical Secretary to ENC, Department of Rural Works Department Govt. of Bihar, Patna.
6. The Superintending Engineer Works Circle Aurangabad P.S. and District - Aurangabad.
7. The Project Director, Mukhya Mantri Gramin Sadak Yojana (MMGSY) 5th Floor Vishawaweshawariaya Bhawan, Bihar, Patna
8. M/s Maa Kamakhya Construction Company, R/o Village - Kamata, P.S. Parasi, District - Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satyabir Bharti, Advocate Dr. Anjani Pd. Singh, Advocate Mr. Sunny Kumar, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA 11 Mr. Pratik Kumar, AC to GA11

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-10-2024

The petitioner is aggrieved with two yardsticks
having been adopted for qualification.

2. Admittedly, all the three bidders who applied
under Annexure-P/1 to serial no. 4, had qualified initially as is



evident from Annexure-P/2. Objections were called for and pursuant to the objection, two bidders including the petitioner herein was also qualified and the respondent no. 8 was qualified. Again objections were called for in which the the respondent no. 8 was disqualified as per Annexure-P/7. A further objection led to the respondent no. 8 being qualified and the petitioner and other bidder being disqualified.

3. The petitioner's disqualification was in the following manner :-

“Bidder did not meet the minimum qualification criteria of the SBD's clauses 4.7 (i) i.e. the bidder has submitted misleading affidavits and existing commitment. He has shown in existing commitment that pending work value under RWD, Jehanabad is Rs 197.06 lacs. but EE, RWD, Jehanabad has reported. vide his letter no.-2094 anu Dated 11.09.2024 that his pending work value was Rs. 385.12 lacs as on 07.03.2024.”

4. This ground of disqualification was consistently stated by the respondents in its various orders passed. There is nothing in the writ petition to controvert the said allegation and establish that the defect in fact did not exist . The petitioner only submits that he had filed objections with respect to the disqualification. We also have to notice that the specific allegation against the petitioner was violation of clause 4.71 of



the Standard Bidding Document, which document also has not been brought on record.

5. In the context of the petitioner having not specifically controverted the allegation raised against him, we are of the opinion that a disqualified person cannot challenge the tender proceedings.

6. The writ petition stands dismissed, in *limine*.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Harsh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.10.2024
Transmission Date	

