

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16884 of 2024

M/S Bolbum Construction Through Its Proprietor Sikandar Singh(male) aged about 61 years, S/O of Parmeshwar Prasad Singh, Resident of, Ward No. 29, Dharmganj, P.S- K. Hat, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through, Its Additional Chief Secretary, Rural Works Department, Govt. of Bihar, Vishwaswraiya Bhawan, Baily Road, Patna.
2. The Engineer in Chief -Cum- Additional Commissioner- Cum- Special Secretary, Rural Works Department, Govt. of Bihar, Vishwaswraiya Bhawan, Baily Road, Patna.
3. The Engineer - in - Chief, Rural Works Department, Govt. of Bihar, Vishwaswraiya Bhawan, Baily Road, Patna.
4. The Nodal Officer, PMGSY, Rural Works Department, Govt. of Bihar.
5. The Chief Engineer- 2, Rural Works Department, Govt. of Bihar, Vishwaswraiya Bhawan, Baily Road, Patna.
6. The Chief Engineer- 3, Rural Works Department, Govt. of Bihar, Vishwaswraiya Bhawan, Baily Road, Patna.
7. The Superintending Engineer, Rural Works Department, Govt. of Bihar, Work Circle- Kishanganj, District - Kishanganj, Govt. of Bihar.
8. The Executive Engineer, Rural Works Department, Works Division - Kishanganj-2, District- Kishanganj- 1, Govt. of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Kumar, Advocate Mr. Ajit Kumar, Advocate
For the Respondent/s	:	Mr. P.K.Shahi, AG Mr. Vikas Kumar, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 18-11-2024 The petitioner has been disqualified in the technical evaluation on a tender submitted in pursuance to Annexure-P/1 (Notice Inviting Tender). The disqualification was on the ground that the petitioner was debarred, which debarment was not



disclosed in the affidavit filed along with the tender document.

2. The petitioner's specific contention is that the debarment was interfered with by this Court under Annexure-P/5.

3. We heard the learned Advocate General also who submits that the last date for submitting the tender as per Annexure-P/1 (Notice Inviting Tender) was 25.06.2024 while the debarment was set aside only on 18.09.2024 that too on the undertaking given by the petitioner that the work in which he had been debarred would be completed, within a time frame.

4. We see that the debarment was challenged by the petitioner in CWJC No.1385 of 2024 in which there was stay of the order passed as per Annexure-P/4, which order was dated 25.01.2024. The writ petition itself was disposed of later by judgment dated 02.05.2024 in which the petitioner was relegated to the appellate authority. Hence the debarment revived and the petitioner admittedly approached the appellate authority which did not pass favourable orders either as an interim measure or on the final disposal. Again the petitioner approached this Court in CWJC No.11333 of 2024 which was disposed of on 18.09.2024 as per Annexure P/5. Therein the petitioner had undertaken that the work allotted to him; in which



the debarment was made, would be completed by 15.12.2024. Only on the specific undertaking the order of debarment was set aside.

5. The judgment setting aside the debarment was on 18.09.2024 while the last date for tender submission as per Annexure-P/1 (NIT) was over in June 2024. While the tender was submitted, the petitioner’s debarment was in force and it was obligatory on the part of the petitioner to disclose the same.

6. In such circumstances, we find no reason to interfere with the order passed disqualifying the petitioner in Annexure-P/1 (NIT).

7. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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