

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19027 of 2024

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Aman Construction through its Proprietor namely Khurshid Alam, aged about 54 years, Gender-Male, son of Md. Shamim, resident of Village- Deora, Post Office- Bandauli, Police Station- Jalle, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer-06, Rural Works Department, Darbhanga.
5. The Secretary, Plant Chief Emgineer-06, Rural Works Department, Darbhanga.
6. The Superintending Engineer, Rural Works Department, Work Circle, Madhubani.
7. The Executive Engineer, Rural Works Department, Work Division Benipatti, District Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Md. Shamimul Hoda, Advocate
For the Respondent/s : Mr. Government Pleader (06)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-12-2024

The petitioner is concerned with the rejection of his tender at the technical evaluation. The petitioner applied for the work of construction and maintenance of the road having length of 1.841 Kms in Benipatti Division, Block-Bisfi, TO3 Balaghat to Janipur Bazar, TO1 (Zeri). There were a series of technical evaluations and the non-responsive bidders were also given



opportunity to raise an objection. Annexure-P/2 to Annexure-P/5 series indicates the various objections raised. At the 3rd evaluation, the petitioner was found disqualified on the following reason as per Annexure-P/4, in a meeting dated 25.09.2024, a translation of the same is extracted herein:-

“Annexure-P/4 series

1. Aman Construction, Prop-Khurshid Alam (Bid ID-575398) On the basis of the report received vide letter no. 1729 dated 12.09.2024 of the Executive Engineer, Rural Works Department, Works Division, Benipatti, the work being done by them in Works Division, Pupri has not been included in Existing Commitment & Ongoing work, i.e. the fact has been concealed. Therefore, in the light of the provisions contained in clause-4.7 of the clause of S.B.D, they are declared ineligible in the technical bid by the committee.”

2. After consideration of the complaint by Annexure-P/5 series, it was decided that the proceedings of the review meeting of the Technical Bid Evaluation Committee held on 25.09.2024 would stand. Again by Annexure-P/6 series, the following objection was also raised which is extracted hereunder:-

“Annexure-P/6 series

Aman Construction, Prop-Khurshid Alam (Bid ID-575398) after scrutiny of letter no.-1730 Sub-div. Dated 12.09.2024 of the Executive Engineer, Rural Works Department, Works Division, Benipatti, they are declared ineligible due to not having the desired experience in the technical bid in the light of the provisions marked in clause-4.4B (b) (ii) of S.D.D & clause-12A of I.T.B.”



3. The petitioner but for asserting his tender should not be disqualified does not produce any document to substantiate his contention. Annexure-P/4 found concealment of a work, which was an existing commitment and ongoing work and Annexure-P/6 found that the provisions under Clause (4.4B)(b) (ii) of the Standard Bid Document and Clause 12(a) of the Instructions to the Bidders was not followed. The petitioner has not produced or extracted the specific clauses under which the disqualification was visited on the petitioner.

4. We find absolutely no reason to entertain the writ petition and reject the same.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

ranjan/-

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

