

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18862 of 2024

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Shashi Shekhar Shishodiya S/o of Baidyanath Singh Resident of Kushwaha Market, P.S.- Mairwa, Pin- 814112, District- Siwan.

... .. 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 Chief Engineer- 5, Rural Works Department, Govt. of Bihar, Vishwaswraiya Bhawan, Baily Road, Patna.
5. The Superintending Engineer, Rural Works Department, Govt. of Bihar, Work Circle- Siwan, District- Siwan, Govt. of Bihar.
6. The Executive Engineer, Works Division- Siwan- 1, District- Siwan, Rural Works Department, Govt. of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kumar, Advocate
For the Respondent/s : Mr. P.K. Shahi, Advocate General

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 12-12-2024 The petitioner was disqualified in the bid submitted at the third technical evaluation for reason that he had not submitted the details with respect to key personnel. The petitioner submits that he had submitted the details regarding key personnel, but admits that he had not submitted the details of lab testing facilities due to inadvertence and lack of



knowledge.

2. It is also submitted that this is a new provision in the Standard Bidding Document (SBD).

3. The learned Advocate General specifically points out Clause 4.4 B (b)(ii) of ITB, which extract is produced along with Annexure-P/5. This requires that the bidder must demonstrate that it has the personnel for the key positions that meet the following requirements, which are; one personnel as Road Manager, three as Maintenance Engineers and five as Works Supervisors having respectively the qualification of graduation in civil engineering, diploma in civil engineering and matriculation or equivalent.

4. The petitioner also has a contention that he was qualified in the earlier two evaluations, while disqualified in the third.

5. Admittedly, after the first evaluation, as per Annexure-P/2, when three bidders including the petitioner qualified, the petitioner and another disqualified bidder filed objections. Hence, there was a second evaluation, evidenced by Annexure-P/3; in which only two bidders qualified, one of whom was again the petitioner. The disqualified bidder filed a further objection due to which a third evaluation was



necessitated. We find no reason to fault the successive evaluation since the petitioner who qualified first also filed an objection against another qualified bidder.

6. As far as the details of the key personnel, petitioner does not produce any document uploaded, regarding the personnel or even refer to them in the memorandum of writ petition. The petitioner also admits that he had not supplied the details of lab testing, for which the explanation offered is that it was a new requirement. Hence, by reason of absence of the details of the key personnel and also the admission of lab testing details having not been uploaded, we find no reason to entertain the writ petition.

7. The petitioner having admitted that a necessary requirement was not furnished, cannot claim interference to his disqualification. We do not find any reason to interfere with the disqualification and dismiss the writ petition.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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