



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Writ Petition No. 11529 Of 2024

Manoj Sakharam Malekar

Age : 34 years, Occupation-Engineer,

R/o. Arvi, Tq. Shirur,

Dist. Beed.

.. Petitioner

Versus

The State of Maharashtra,

Through District Water Conservation Officer,

Soil & Water Conservation Department,

Beed, Dist. Beed.

.. Respondent

* Mr. S.E. Shekade, Advocate for the Petitioner.

* Mr. S.R. Yadav-Lonikar, AGP for Respondent/State.

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ..**

DATE : 15 OCTOBER 2024

ORAL JUDGMENT (Per Shailesh P. Brahme, J.) :

1. Rule. Rule is made returnable forthwith. Heard both the sides finally.

2. The petitioner is challenging the communication dated 08.10.2024, disqualifying him in the technical bid and seeking direction for permitting him to participate in further process.

3. The respondent floated tender notice on 18.09.2024. The petitioner participated in the tender process. By mistake

registration certificate of Class-V was uploaded by him instead of Class-IV. Realizing to mistake, he immediately made correspondence with the respondent by letter dated 07.10.2024. His application was not considered and he was disqualified in a technical bid.

4. Learned Counsel Mr. S.E. Shekade for the petitioner submits that the petitioner was not given opportunity to cure the defects. The action of the respondent is discriminatory as previously the authorities had given opportunity to cure the defects. It is further submitted that the petitioner was having requisite document, but inadvertently wrong document was uploaded. The action of respondent is arbitrary and highhanded and liable to be quashed.

5. Learned AGP supports impugned action. He would submit that no case is made out to cause any interference in a tender process. The petitioner was not vigilant and his bid was non-compliant.

6. The technical assessment report which is at Exhibit-D shows that the registration certificate of Contractor Class-V was submitted instead of Contractor Class-IV. The document in question is vital and decisive. Even the petitioner admits the mistake committed by him. We do not find any arbitrariness or perversity in rejecting the technical bid.

7. The tender process involves competition of the bidders. A

bidder is expected to be vigilant in submitting the bid. If a bid is non-compliant, it is bound to be rejected in the technical evaluation. Learned Counsel for the petitioner is unable to point out any provision mandating the respondent to call upon the bidders to remove the technical defects. No case is made out to upset the decision under challenge.

8. The writ petition is dismissed. Rule is discharged.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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