

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3921 of 2025

M/s M.K Gupta and Co. through its authorized representative Gautam Banik, male, aged about 62 years, S/o- Gour Gopal Banik, R/o - Mohalla- Dudh More, Atul Prasad Sarani, Ward no. - 15, P.O. and P.S. - Siliguri, District - Dajeeling, State - West Bengal, having registered office at Mohalla - Metro Heights, 2nd Floor, Opposite Akshaytara Apartment, 2.5 mile, Sevoke Road, Siliguri, West Bengal, Pin- 734001.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Rural Works Department, Government of Bihar, Patna.
2. The Additional Chief Secretary Rural Works Department Government of Bihar, Patna.
3. The Engineer-in-chief-cum-Additional Commissioner-cum-Special Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer Rural works Department, work Circle, Kishanganj.
5. The Executive Engineer, Rural Works Department, Work Division, Kishanganj- 2.
6. The Executive Engineer, Rural Works Department, Work Division, Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate
For the State : Mr. Vivek Anand Amritesh, Advocate

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

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 15-05-2025

We have heard Mr. Alok Ranjan, the learned
counsel for the petitioner and Vivek Anand Amritesh, the



learned Advocate for the State.

2. The petitioner is aggrieved by the decision of the Technical Evaluation Committee of the Rural Works Department (RWD) holding the petitioner to be technically non-responsive because of his registration with the RWD having expired on the date when the evaluation was made.

3. It appears that against the tender floated by the RWD, the petitioner and others had participated. The petitioner fulfilled all conditions of the tender document, except the fact that his registration with the RWD had expired. The condition enumerated in Clause 14 of the SBD indicates that qualified bidders would be required to be registered with RWD (if not already registered) before signing of agreement.

4. With respect to the afore-noted clause in the tender paper, Mr. Alok Ranjan has argued that the disqualification of the petitioner is based on wrong premise. All that was required by any bidder to fulfill was that before the agreement, he should have been registered with the RWD, if not already registered.

5. The records reveal that the petitioner was



registered with the RWD, but such registration had expired.

6. This could have been taken note of by the respondents only before the signing of the agreement and that occasion would have come only when the petitioner would have been found to be technically responsive on all other counts.

7. Thus, it has been asserted by the petitioner that non-suiting him at this stage was only because of the wrong interpretation/gloss given over Clause 14 of the terms and conditions of the tender documents.

8. The learned counsel for the State, however, submits that at the time of technical evaluation, the registration of the petitioner with the RWD had expired.

9. We have already noted that this is not the condition in the tender papers.

10. Considering this aspect of the matter, we quash the decision of the Tender Evaluation Committee of RWD, so far as the petitioner is concerned, and direct for reconsideration of the bid of the petitioner.

11. In case, the petitioner comes out successful, it would be seen at the time of agreement whether the



petitioner has his registration with RWD.

12. With the afore-noted direction, the writ petition stands disposed off.

13. Interlocutory application(s), if any, shall also stand closed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Sauravkrsinha/
Sujit-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2025
Transmission Date	NA

