

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1954 of 2025**

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1. Kameshwar Singh S/o Late Jayant Singh, R/o village- Patpariya, P.S. Muffasil, District - East Champaran.
  2. Sujay Kumar Deo, S/o Late Rama Rajendra Singh, R/o village- Bara Chakia, P.S. Bara Chakia, District- East Champaran.
  3. Jagan Prasad, S/o Late Rama Ramashish Prasad Kushwaha, R/o village- Bhagwanpur, P.S. Madhuban, District - East Champaran.
  4. Sanjiv Kumar Singh, S/o Laliteshwar Singh, R/o village- Padumker, P.S. Pach Pakri, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Work Department, Government of Bihar.
3. The Engineer-in-Chief, Rural Work Department, Government of Bihar.

... .. Respondent/s

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with  
**Civil Writ Jurisdiction Case No. 6026 of 2025**

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1. Naval Kishore Son of Basudeo Prasad Yadav, Resident of Rajendra Nagar Madhubani, P.S. - Purnia, District - Purnia.
2. Navratna Kumar, Son of Durga Prasad Singh, Resident of Rajendra Nagar Madhubani, P.S. - Purnia, District - Purnia.
3. Lekhchandra Kumar, Son of Suresh Singh, resident of Godhna Road Anaith, P.S. - Aarah, District - Bhojpur.
4. Shanu Kumar, Son of Amlendra Kumar Choudhary, resident of 83 Damaili Mirgani, P.S. - Mirganj, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna, Bihar.
2. The Additional Chief Secretary, Rural Works Department, Government of Bihar, Vishweshwarai Bhawan, Patna, Bihar.



- 3. The Engineer in Chief, Rural Works Department, Government of Bihar, Vishweshwarai Bhawan, Patna, Bihar.
- 4. The Chief Engineer-1, Rural Works Department, Government of Bihar, Vishweshwarai Bhawan, Patna, Bihar.

... .. Respondent/s

**Appearance :**

(In Civil Writ Jurisdiction Case No. 1954 of 2025)

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate  
Ms. Priyanka Singh, Advocate

For the Respondent/s : Mr. Government Advocate 5

(In Civil Writ Jurisdiction Case No. 6026 of 2025)

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate  
Mr. Alok Kumar Rahi, Advocate

For the Respondent/s : Mr. Government Advocate 5

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

**Date : 06-05-2025**

Both the writ petitions have been heard together and are being disposed off by this common judgment.

2. We have heard Mr. Yogesh Chandra Verma and Mr. Rajendra Narain, the learned Senior Advocates for the respective writ petitioners. The State and the



respondents have been represented through their respective counsel.

3. The primary concern of the petitioners is that the Notice Inviting Tender No. RWD/MMGSY (AWSESH)/HQ/ET/2024-25/08 is in the form of a global tender which incorporates even smaller works and the natural consequence of floating such large tender is complete exclusion of class II and III contractors from participating in the bid.

4. We fail to understand as to how this could be a cause of action to be entertained by Courts of law.

5. The Engineer-in-Chief, Rural Works Department on behalf of the Government of Bihar has invited the SBD based percentage rate tender in electronic tendering system under Mukhyamantri Gram Sampark Yojna (AWSESH) for a cluster of works of road construction including their maintenance for five years, which has been detailed in the tender document. The eligibility condition for the bidders has also been specified.



6. Merely because the tender is for a cluster of works in the entire State of Bihar, which would require any bidder to have large resources, that would be no ground to find fault with it.

7. There is no policy decision of the State, pointed out by the petitioners, which would govern such works for it to be truncated into smaller units for the benefit of class II and III contractors.

8. Petty contractors are also recognized in the system, but that does not necessarily mean that the State would be under an obligation to provide requisite feed to them.

9. Floating a large tender does not amount to ousting smaller contractors.

10. The concept of economies of scale may or may not form the basis for the State to take a decision in that regard. The fact of the matter remains that these would fall squarely within the domain of the policy decision of this State in commercial matters, which



cannot be interfered with on a mistaken notion that in a welfare state, a contract work, as if treated as a largesse to the contractors, should be truncated and made into small work contracts, so as to feed the battery of smaller contractors, who, otherwise, would not find requisite work.

11. We find no merit in both the petitions and, thus, dismiss both of them.

12. Interlocutory application/s, if any, in both the writ petitions, also stand disposed off accordingly.

**(Ashutosh Kumar, ACJ)**

**(Partha Sarthy, J)**

Sauravkrsinha/  
Praveen-II-

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