

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5525 of 2025

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Dhananjay Singh, Son of Late Chandeshwar Singh, Resident of village-
Sareyan (Goh), P.O. and P.S. Goh, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary/Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The Principal Secretary/ Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Secretariat, Patna.
3. The Collector, Aurangabad.
4. Zila Parishad, Aurangabad, through its Chief Executive Officer.
5. Deputy Development Commissioner (D.D.C.) cum Chief Executive Officer, Zila Parishad, Aurangabad.
6. Chairman, Zila Parishad, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nagendra Rai, Advocate
For the State	:	Mr. Standing Counsel (04)
For the Respondent nos.4 & 5 :		Mr. Nikesh Kumar, Advocate
		Mr. Akshansh Shanker, Advocate

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

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 12-05-2025 Heard Mr. Nagendra Rai, the learned Advocate

for the petitioner and Mr. Nikesh Kumar, the learned

Advocate for respondents No. 4 and 5.

2. The petitioner has prayed for setting aside the

order dated 28.03.2025 issued by respondent No. 5

whereby the short term auction dated 24.02.2025 for



Goh Bus Stand has been cancelled and also for setting aside the short term fresh *Shairat Bandobasti* notice dated 28.03.2025 which has been issued by respondent No. 5 for the auction of the aforementioned Bus Stand.

3. At the outset, the learned counsel for the respondents No. 4 and 5 has submitted that the fresh notice dated 28.03.2025 has been acted upon and the contract for collecting toll at Goh Bus Stand has been finalised in favour of a bidder, who, according to the information of respondents No. 4 and 5, is the brother of the writ petitioner.

4. Nonetheless, we have examined the records of this case.

5. Pursuant to the short term notice for settlement of various Bus Stands, the petitioner had applied for being considered for Goh Bus Stand. The condition in the notice was that the deposit of first-three bidders shall not be refunded and the auction would be held betwixt the three top bidders. The first bidder who



had offered approximately Rs. 48 lacs as his financial offer, left the field, rendering the petitioner the second highest bidder. According to the notice, if the highest bidder would not deposit the amount, the contract would go to the second highest bidder.

6. Based on the aforementioned terms of notice, the petitioner was expecting the contract to be finalised with him, but in the meantime, the entire tender was recalled and a fresh *Bandobasti* notice was issued, which also, as noted above, has been acted upon and the contract had been finalised by a successful bidder. The reason for recalling the first tender for auction was that there was huge disparity in the offer by the highest bidder and the petitioner (L-2).

7. The petitioner's bid was of Rs.7 lacs only.

8. The respondents No. 4 and 5 also came to learn that it was a collusive offer where deliberately high offer was placed by a bidder who, for no reason, left the fray making it open for the petitioner to bag the contract



with no value.

9. Considering this aspect of the matter, it appears that the tender for auction was recalled.

10. It has been consistently held by this Court as well as the Hon’ble Supreme Court that the State is the protector of finance and in the process of protecting the finance, such decisions of recalling of tender would be justified.

11. We do not find any reason to keep this petition pending which has no merits.

12. This petition is dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Saurabh/Rajesh

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