

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9060 of 2023

M/s Raj Informatics Construction having its office at Mithapur, B Area, Patna, thorough its proprietor Sri Bharat Kumar Singh, Male, aged about 50 years, Son of Lt. Baldeo Singh, Resident of Mohallah- D.N. Singh Lane, B-Area, Mithapur, P.O.- G.P.O. Patna, P.S. Jakkanpur, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Labour Resource Department, Government of Bihar, Patna.
2. The Principal Secretary, Labour Resource Department, Government of Bihar, Patna.
3. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
4. The Municipal Corporation, Ara, through Municipal Commissioner, Ara.
5. The Chairman, Ara Municipal Corporation, Ara.
6. The Town Manager, Ara Municipal Corporation, Ara.
7. The District Account Officer, Ara Municipal Corporation, Ara.
8. The Chief Municipal Engineer, Ara Municipal Corporation, Ara.
9. The Assistant Engineer, Area Municipal Corporation, Ara.
10. The Principal Assistant, Ara Municipal Corporation, Ara.
11. M/s. Nishant Security and Allied Services Pvt. Ltd., having registered office at WZ-908, 1st Floor, Ring Road Naraina, New Delhi and its Branch office at Jwala Shanti Bhaan, Ward No. 10, Old Police Line, Maulabagh, Ara Bojpur, through its Director.
12. M/s Adam Media and Recreation Pvt. Ltd., having registered office at 304 A Jeet Enclave Shivpuri and its Branch Office at M-23 Shrikrishna Nagar road No 25 Kidwaipuri, through its Director.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Singh, Advocate Mr. Vinod Kumar, Advocate
For the Respondent/s	:	Mr.P.K. Shahi (AG) Mr. Bishwa Bibhuti Kumar, Advocate Mr. Ravish Chandra, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 05-03-2025



Heard Mr. Ashutosh Singh, the learned Advocate for the petitioner and Mr. Bishwa Bibhuti Kumar Singh, the learned Advocate for Arah Municipal Corporation. The Respondents No. 11 and 12/the awardees of the tender and the State are being represented by Mr. Ravish Chandra and Mr. Vikas Kumar, Advocates, respectively.

2. The petitioner had participated in the bid and had passed the muster of the technical evaluation. He claims to have been adjudged L1 in the financial bid. However, no work was issued to him and his enlistment as an agency to supply manpower to the Municipal Corporation was later cancelled for the reason of his not having supplied the GST Code for manpower supply. The Respondents No. 11 and 12 were enrolled as the agencies and were also given the work order for supply of manpower.

3. The learned Advocate for the petitioner has submitted that once the technical evaluation committee did not find any folly in the tender papers of the writ petitioner, there was no justification for the Municipal Corporation to have raised any objection on that count after the financial bids were opened.

4. Apart from this, it has been submitted that the Respondents No. 11 and 12 were wrongly adjudged as L1 and L2 for the reason that only their summary



chart of the rates quoted by them was considered, which did not include the payment to sanitary workers. The rate offered by the petitioner was the lowest and it incorporated the minimum wages mandated by the Government.

5. Opposed to the afore-noted contentions, the Municipal Corporation as also the Respondents No. 11 and 12 have submitted that though it was not detected at the time of technical evaluation that the petitioner did not have necessary GST Code number for supply of manpower, but no sooner was it found out, it was communicated to the petitioner. At the time of opening of the financial bid and even later, the agent of the petitioner was available, who had the knowledge of this deficiency in the tender paper of the petitioner.

6. Even otherwise, it is asserted, Respondents No. 11 and 12 have been directed to pay the minimum wages circulated by the Labour Department to the manpower. As per the Notification, the minimum wage of sanitary worker is Rs. 371/- but Respondents No. 11 and 12 have been paying Rs. 400/- to such workers, keeping in mind that such amount is reasonable.

7. It has also been pointed out that in the bid document, it has clearly been stated that once L1 rates are finalized as per the procedure outlined in the RFP,



L2, L3, L4, L5 and L6 bidders would also be given option to match the L1 rates and get empanelled with Arah Municipal Corporation (AMC). The final decision for empanelling the agencies who qualify and agree to the terms will be of the A.M.C.

8. In that view of the matter, we do not find any fault with the enlistment of Respondents No. 11 and 12.

9. This Court has also taken notice of the fact that the EMD of the petitioner has been returned to him and it is left open for the petitioner to apply again for getting enlisted for supply of manpower to the Municipal Corporation.

10. We do not find any reason for interfering with the decision of the Municipal Corporation in awarding the contract to Respondents No. 11 and 12.

11. The writ petition stands disposed off accordingly.

(Ashutosh Kumar, ACJ)

(Harish Kumar, J)

Sujit/Krishna

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.03.2025
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