

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12720 of 2025

Mahaboudh Jan Swasthaya Evem Sarvangin Vikas Kendra a registered society, Office at 103, Ramalaya Apartment, Vijay Nagar, Rukunpura, Patna through its authorized representative Sagar Singh Parmar, Male, Aged about 29 Years, Son of Umesh Prasad Singh, Resident of CC/5, Lohia Nagar, P.S.- Kankarbagh, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The Election Commission of India through the Chief Election Commissioner, Office at Nirvachan Sadan, Ashoka Road, New Delhi-110001.
2. The Chief Election Commissioner, Election Commission of India Office at Nirvachan Sadan, Ashoka Road, New Delhi 110001.
3. The Chief Electoral Officer, Bihar, Office at 7, Sardar Patel Marg (Mangles Road), Patna - 800015.
4. The Joint Secretary, Office of the Chief Electoral Officer, Bihar, Office at 7, Sardar Patel Marg (Mangles Road), Patna- 800015.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vikas Kumar Jha, Adv.
For the Respondent/s : Mr. Siddhartha Prasad, Adv.

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 30-08-2025 In the instant writ petition, the petitioner has prayed

for the following reliefs:

A. For issuance of writ in the nature of Certiorari, for quashing the Letter No.2833 dated 31.07.2025 (Annexure-P/7) issued by the Joint Secretary, Office of the Chief Electoral Officer, Bihar (Respondent No.4) whereby and whereunder, the respondent no.4 has communicated the notice of disqualification of



the petitioner's bid i.e. Bid No. 571147 during Technical Evaluation Stage in Tender Reference No. CEO/BIHAR/03/2025 issued by Office of Chief Electoral Officer, Bihar ie. Respondent No.3 for the reason stating inter alia that "the documents related to Certificate of Partnership/Company Incorporation provided by you, have been declared ineligible as they are not in accordance with the standard prescribed in Clause 16(1)(a) of the Tender RFP". It is humbly submitted that the aforesaid rejection/disqualification is completely illegal, arbitrary and discriminatory in eyes of law.

B. For issuance of writ in the nature of Mandamus, directing and commanding upon the respondent authorities to modify/amend the 'Proposal Eligibility Criteria' under Clause 16(1)(a) i.e. Legal Entity of Tender No. CEO/BIHAR/03/2025 in extent to the consideration of 'Society' registered under Society Registration Act, 1860 as a eligible legal entity under the said clause and further, after inclusion of the 'Society' under the criteria of Legal Entity ie. Clause 16(1)(a), petitioner would be considered as an eligible bidder/legal entity for the aforesaid Tender. It is submitted that the non-consideration of the 'Society' under the Legal Entity is completely illegal, arbitrary and discriminatory as the 'Society' has also the same legal status as a legal person/entity and the aforesaid clause is also contravention of



Guidelines for Government e-Marketplace.

C. For issuance of the writ in the nature of Mandamus, directing and commanding upon the respondent authorities particularly Respondent No.3 to allow the petitioner in further process of tender i.e. financial bid and provide the fair and appropriate opportunities to be participated in the entire tender process of Tender Reference No. CEO/BIHAR/03/2025, which has been issued by the Respondent No.3 for "Empanelment of Agency for providing services of Professionals/manpower at Office of the Chief Electoral Officer, Bihar".

D. For any other relief/reliefs for which, this Hon'ble Court may deem fit and appropriate.

E. Cost of litigation.

2. The petitioner is one of the applicant pursuant to the NIT dated 30.05.2025 (Annexure-P/1). He has been declared as ineligible to participate in the process of tender on the count that he did not fulfill the Clause 16 (1)(a). In the absence of challenge to the aforementioned Clause, the petitioner is not entitled to seek a writ of mandamus to amend Clause 16 (1)(a) under Article 226 of the Constitution of India. Therefore, the petitioner has not made out a case. That apart having



participated in the process of tender, he cannot turn around and say that certain clauses are contrary to certain provision of law or arbitrary in nature. On this count, the petitioner has not made out a case. Hence, the present petition is dismissed.

(P. B. Bajanthri, ACJ)

(Arvind Singh Chandel , J)

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