

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17287 of 2024

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Shailendra Prasad Singh S/o Late Raj Mohan Singh, R/o Village- More
Dihari, P.S.- Jamhor, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Rural Works Department, Bihar, Patna.
2. The Engineer-In-Chief, Rural Works Department, Bihar, Patna.
3. The Project Director, MMGSY, Bihar, Patna.
4. The Chief Engineer-2,, R.W.D. circle Gaya, Bihar.
5. The Technical Secretary to ENC, R.W.D. Bihar, Patna.
6. Superintending Engineer, RWD, Work Circle, Aurangabad, Bihar.
7. Executive Engineer, RWD, Works Division, Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate
		Mr. Anil Kumar, Advocate
For the Respondent/s	:	Mr. Pratik Sinha, AC to GA- 5

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 12-02-2025

The petitioner, who had participated in the tender, is aggrieved by the decision of the Technical Committee holding him to be unresponsive.



2. The contention of the petitioner is that such decision was taken in confusion. The petitioner had applied for two groups of work and had to deposit documents regarding the ownership of tools and other equipments. For one of the group of works, the tender paper submitted by the petitioner was found to be incorrect and the complaint regarding such deficiency was also verified and found to be correct. However, with the other group of work, the papers submitted by the petitioner were complete in all respects. There was no complaint whatsoever with regard to any deficiency. It was verified and affirmed that all the documents needed with respect to the requirements under the SBD were available in the tender papers of the petitioner.

3. However, while the final decision was being taken by the Technical Committee, the bid of the petitioner along with others was rejected on the ground of one of the bid papers being deficient in the group of work at Daudnagar. The petitioner does not grieve on being



non-suited for the work at Daudnagar. However, for a deficiency in the set of papers in one project, the petitioner alleges that he has wrongly been non-suited for the work at Aurangabad. Because of this and only one candidate having remained in the fray, the tender was withdrawn.

4. However, the learned counsel for the respondent has pointed out that when the deficiency was found in the papers submitted by the petitioner, an opportunity was given to him to explain away the deficiency, which explanation had to be submitted within a period of three days. No effort however was made by the petitioner to explain that it was only with respect to documents in the tender of one of the works that the deficiency was found, which could not have been read or used against the petitioner for the other bid which he had offered.

5. In any view of the matter, considering the fact that the tender was withdrawn because of only one



tenderer remaining in the fray, we do not wish to interfere with the decision of the respondent/authority. However, this would not preclude the petitioner from participating afresh, if a new tender is floated.

6. The writ petition stands disposed off.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Sauravkrsinha/
Praveen-II-

AFR/NAFR	NAFR
CAV DATE	NA
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