

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.343 of 2025

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Maa Bhagwati Construction-1 through its Partner Mithlesh Kumar Singh, aged about 44 years, male, S/o Ashok Singh, R/o Vill-Bara Telpa, new Batti, P.O.-Chapra, P.S.-Town (Chapra), District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Gov. of Bihar, Patna.
2. The Engineer in Chief, Rural Works Department, Gov. of Bihar, Patna.
3. The Chief Engineer-1, Rural Works Department, Gov. of Bihar, Patna.
4. The Chief Engineer-4 cum Nodal Officer, Rural Works Department, Gov. of Bihar, Patna.
5. The Technical Secretary to Engineer in Chief, Rural Works Department, Gov. of Bihar, Patna.
6. The Superintending Engineer, Work Circle Chapra, Rural Works Department, Gov. of Bihar, Patna.
7. The Executive Engineer, Work Division Marhaura, Rural Works Department, Gov. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Ranjan, Advocate
For the Respondent/s : Mr. Vikas Kumar, AC to AG

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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 : 16-01-2025

Mr. Praveen Ranjan, the learned Advocate has challenged the decision of the authorities in holding him to be the single tenderer in the fray.

2. The necessary facts for adjudication of the case is that the petitioner and another participated in the



Technical Bid, where both of them were considered successful. The Financial Bid was opened thereafter in which the petitioner was adjudicated as L-1. In the meantime, after opening of the financial bid, a complaint was made by Sona Lal Ray, another bidder who had passed the threshold of technical evaluation but it proved dear for him as he himself was found to be lacking in the technical requirements of a bidder. In fact, in an earlier contract, he had not got the time limit extended.

3. Considering this aspect of the matter, his claim was denied, leaving the petitioner as the sole tenderer in the fray.

4. The decision has not been challenged by the aforementioned Sona Lal Ray whose tender has not been found to be technically responsive to the bid.

5. The contention on behalf of the petitioner that there could not have been a second technical evaluation after opening of the Financial Bid, could only be raised by the person who was non-suited in the



Technical evaluation. It has been contended that one of the clauses in the agreement which specified that after the Financial Bid is opened, no objection with respect to technical responsiveness would be entertained.

6. In any view of the matter, the petitioner appears to be contesting this case through backdoor when no objection has been raised by Sona Lal Ray, the other bidder who had crossed the threshold of technical evaluation.

7. We find no merit in this petition.

8. The petition is dismissed. While saying so, we have also taken into account that the respondents are issuing fresh tender in which the petitioner could also participate.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Rajesh/Saurabh

AFR/NAFR	NAFR
CAV DATE	NA
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