

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2838 of 2025

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Rama Shankar Choudhary S/o Late Aanand Choudhary, R/o Village-Kamarthu, Post- Kamarthu, P.S.- Ghighat, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief-Cum-Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
4. The Chief Engineer, Public Health Engineering Department, Govt. of Bihar, Patna.
5. The Zonal Chief Engineer, Public Health Engineering Zone, Darbhanga.
6. The Superintending Engineer, Public Health Engineering Circle, Darbhanga.
7. The Executive Engineer, Public Health, Division, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Advocate.

For the Respondent/s : Mr. Additional Advocate General (4).

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

6 12-02-2026 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“To make the actual payment to the petitioner at the rate he quoted i.e. 4.48% as per the petitioner’s bid-rate of the work done as per the agreement dated 08.02.2020 not on the bid quoted by the other bidder but the respondent is making payment at the bid-rate of one Sunita Kumari who was held invalid as



she was not fulfilling the requisite criterion, in a wrong and arbitrary manner, as per the agreement between the Executive Engineer, P.H. Division, Samastipur and the petitioner for execution of the work of design, construction, supply, testing commissioning of water supply scheme with electric driven pumps and arsenic removal treatment plant having technology based on Nano technology of CSIR on turnkey basis with 3 months trial run after commissioning and comprehensive operation and maintenance of 60 months after successful completion of trial run period under Mukhya Mantri Nischay Yojna under P.H. Division, Samastipur.”

3. Learned counsel appearing on behalf of the petitioner submits that pursuant to the NIT issued by the respondents, the petitioner has participated and he was selected as L-1 after the other two bidders were disqualified. Learned counsel submits that instead of paying the petitioner as per the quotation submitted by him, the respondents are paying less amount i.e. 4.48% below the estimated cost which was submitted by one Sunita Kumari who was subsequently disqualified. Learned counsel submits that the act of the respondents in paying the petitioner less amount than what he has quoted is not only illegal, arbitrary but contrary to the clauses mentioned in the NIT. Learned counsel, therefore, prays



this Hon'ble Court to allow the present writ petition and direct the respondents to pay the balance amount due to the petitioner as per the bid amount quoted by him.

4. Per contra, the learned counsel appearing on behalf of the Respondent-State submits that pursuant to the NIT issued, three persons have participated in the tender process out of which two persons were disqualified and the petitioner was selected, thereafter, the Committee took a decision to accept the bid of the petitioner provided he matches the amount quoted by one Sunita Kumari. That the petitioner has agreed for the same and has also executed the agreement with the authority. Learned counsel has drawn the attention of this Court to the Annexure-P/3 which is the agreement entered between the parties on 08.02.2020. Learned counsel submits that the amounts which are been paid to the petitioner are as per the agreement entered on 08.02.2020. Learned counsel submits that no merits in the present writ petition which warrants granting of any relief to the petitioner herein.

5. A perusal of the agreement dated 08.02.2020 entered between the parties and also the decision taken by the Committee vide minutes dated 12.09.2019 reveals that the Committee had taken a decision to accept the bid of the



petitioner provided he matches the figure which was quoted by one Sunita Kumari which is 4.48% below the estimated cost. It appears from the record that the petitioner has accepted the same and has entered into the agreement with the authorities on 08.02.2020. That the estimated cost shown as per the agreement is Rs.1,66,91,100/- and the approved amount is Rs. 1,59,44,750/- and the petitioner has agreed for the same.

6. Having regard to the same, this Court does not find any merit in the present writ petition which warrants any interference by this Court, the present writ petition is accordingly **dismissed**.

7. It is needless to mention that the authorities shall pay the dues to the petitioner as per the agreement dated 08.02.2020, if not already paid.

(A. Abhishek Reddy, J)

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