

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4768 of 2026

Rai Raj Construction Pvt. Ltd. having its Corporate Office at 601, 6th Floor, Lav Kush Tower, Exhibition Road, P.S. Gandhi Maidan, District Patna through its Director Baidya Nath Rai, aged about 53 years, Male, Son of Mahendra Rai, Resident of Flat No. 410, Ashiyana Plaza, Budha Marg, P.S. Kotwali, District Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Engineer in Chief-Cum-Additional Commissioner cum Special Secretary (Works Management), Road Construction Department, Government of Bihar, Patna.
3. The Chief Engineer (North) Road Construction Department, Government of Bihar, Patna.
4. The Executive Engineer, Road Construction Department, Road Division, Rosera, District- Samastipur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Adv.
For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE RAJ KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

3 29-06-2026 The present writ petition has been filed seeking the following reliefs:-

“(i) Quashing of the decision of the Departmental Tender Committee as contained in Memo No. 872 (E) dated 05.02.2026(Annexure P/9) by which, it has been decided to: -
a. Reject the technical bid of the petitioner in terms of Clause 4.8 of the Instructions to Bidders (ITB) to the Standard Bidding Document (SBD);
b. Partially modify the earlier decision of the Departmental Tender Committee as contained in Memo No. 2940 dated 11.09.2025 to the aforesaid extent;and
c. Cancel the tender process arising out of Notice



Inviting Tender No. RCD/Rosera/04/2025-26 dated 29.07.2025 and proceed for re-tender in terms of Rule 163 of the Public Works Department Code.

(ii) Commanding upon the Respondent to open and evaluate the financial bid of the petitioner and other consequential action(s) in terms of Part-E of the Instruction to Bidders;

(iii) Quashing of the consequential Notice Inviting Tender No. RCD/Rosera/07/2025-26 dated 07.02.2026(Annexure P/10) which has been issued in connection with the same work; and

(iv) Restraining the Respondents from proceeding further by giving effect to the decision of the Departmental Tender Committee as contained in Memo No. 872 (E) dated 05.02.2026 and the fresh. Notice Inviting Tender No. RCD/Rosera/07/2025-26 dated 07.02.2026 during the pendency of the present writ application and/or the without the leave of this Hon'ble Court."

2. At the outset, the learned counsel for the petitioner submits that the Executive Engineer, Road Construction Department, Road Division, Begusarai vide letter dated 10.04.2026, written to the Chief Engineer, North, Road Construction Department, Bihar, Patna has submitted a report pertaining to the existing commitment of the petitioner as has been mentioned therein, hence it is prayed that the same may be considered by the Departmental Tender Committee before passing any final order.

3. Having regard to the limited submission made by the learned counsel for the petitioner, we deem it fit and proper to dispose of the present petition with an observation that the



report submitted by the Executive Engineer Road Construction Department, Road Division, Begusarai vide letter dated 10.04.2026 may be considered by the competent authority before taking any decision with regard to the petitioner, if not already taken.

(Mohit Kumar Shah, J)

(Raj Kumar, J)

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