

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7486 of 2026

M/s Surendra Prasad and Co. through its partner Anup Kumar, aged about 61 years, male, S/o Late Surendra Prasad, resident of village /mohalla- Anandpura, P.O.- Kadirganj, P.S- Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Government of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Government of Bihar, Patna.
3. The Engineer-in-Chief-Cum-Additional Secretary-cum-Special Secretary, Road Construction Department Government of Bihar Patna.
4. The Nodal Officer, Eproc, Road Construction Department Government of Bihar Patna.
5. The Chief Engineer, (South), Road Construction Department Government of Bihar Patna.
6. The Superintending Engineer, (Member) Magadh Road Circle, Gayaji, District- Gayaji.
7. The Executive Engineer, Road Division, Nawada, District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate
For the Respondent/s : Advocate General

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

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

2 14-05-2026 The present writ petition has been filed seeking the following reliefs:-

*“I. For quashing and setting aside the NIT
no.:- RCD/NAWADA-01/2026-27, issued under the
signature of Executive Engineer, Road Division,*



Nawada, whereby and where under the respondent authority has issued fresh NIT for the work namely;- W/S work of Nawada Station road to supaul PWD road Nawada from Ch. 0.00 km to ch 11.600km (Total length 11.600km) Through Gosal Bigha & Jahana in Nawada District under Road Division, Nawada for the year 2025-26

II. For quashing and setting aside memo no. 712 dated 18.02.2026, the decision of technical bid committee whereby and where under the technical bid of the petitioner has erroneously been rejected on no nest grounds, stating therein that the Bank guarantee furnished by the petitioner is conditional and is not in consonance with section 8 of SBD and further decision has been taken to retender for the work namely/ relating to Tender ID no. 120825 (W/S work of Nawada Station road to supaul PWD road Nawada from Ch. 0.00 km to ch 11.600km (Total length 11.600km) Through Gosal Bigha & Jahana in Nawada District under Road Division, Nawada for the year 2025-26, without considering and disposing of the statutory objection filed by the petitioner duly corroborating the material evidences and certificate of the Bank officials that the Bank guarantee submitted by the petitioner is in consonance with the requirement of the SBD.

III. For direction to the concerned respondent to consider the tender of the petitioner relating to Tender ID no. 120825 (W/S work of Nawada Station road to supaul PWD road Nawada from Ch. 0.00 km to ch 11.600km (Total length 11.600km) Through Gosal Bigha & Jahana in Nawada District under Road Division, Nawada for the year 2025-26 and to open the financial bid of the petitioner along with other bidder and award the same in accordance with law.

IV. For declaring that the action of the



respondent authorities in not considering the objection of petitioner to be perverse, illegal, arbitrary, colorable exercise of power and waste of public money and abuse of process of law, moreover the authorities vide letter no. 255 dated 02.04.2026 have admitted that Tender ID no.120825 was erroneously been cancelled, in place of Tender ID no. 121291 and have requested to Roll back tender ID no. 120825 and the authorities without considering the fact have floated the fresh NIT bearing NIT no. RCD/NAWADA-01/2026-27. The statutory objection filed on behalf of the petitioner is still pending consideration and no any decision has been communicated to the petitioner or uploaded on the official website of the department.

V. For any other relief or reliefs for which the petitioner is entitled under law in the facts and circumstances of the present case.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the Chief Engineer (South), Road Construction Department, Government of Bihar, Patna *i.e.* respondent No.5 to dispose of the representation/objection filed by the petitioner dated 19.02.2026 (Annexure P-3) in the light of letter dated 02.04.2026 (Annexure P-4) issued by the Executive Engineer, Road Construction Department, Road Division, Nawada.

3. Having regard to the limited prayer made by the petitioner before us, we deem it fit and proper to direct the respondent No.5 to dispose of the aforesaid



representation/objection filed by the petitioner dated 19.02.2026 (Annexure P-3) by passing a reasoned and a speaking order in accordance with law within a period of two weeks from today.

4. Accordingly, the present writ petition stands disposed of.

(Mohit Kumar Shah, J)

(Arun Kumar Jha, J)

GAURAV S./-

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