

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8841 of 2025

New Hope AAS Construction Pvt. Ltd., having its registered office at- Flat No.- 101, Sai Narayan Apartment, Opposite Piler No.- 59, Khagaul Rupaspur Road, Hardaspura, Khagaul, Patna Bihar- 801503. Represented through its director Nigam Bhardwaj (Male), S/o- Late Ram Keshari Prasad Singh, aged about 51 years, resident of Flat No.- 101, Sai Narayan Apartment, Opposite Piler No.- 59, Khagaul Rupaspur Road, Hardaspura, P.S.- Khagaul, Dist- Patna, Bihar- 801503.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Planning and Development Department, Government of Bihar, Patna.
3. Chief Engineer, Planning and Development Department, Government of Bihar, Vishweswaraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, Local Regional Engineering Organization, Work Circle- Gaya.
5. The Executive Engineer, Engineer, Local Regional Engineering Organization, Work Division-1 Nawada.
6. Technical Bid Committee, through its Chairman-cum-Superintending Engineer, Local Regional Engineering Organization, Work Circle- Gaya.
7. Mukesh Kumar Fathers name not known, having its address at Vill- Samai, Post- Orahanpur, P.S- Mufassil, Dist- Nawada, Bihar.
8. Suryamani Father name not known, having its address at New Area, P.S- Nawada, Dist- Nawada, Bihar.

... .. Respondents

Appearance :

For the Petitioners : Mr. Dhananjay Kumar, Advocate
For the State : Mr. Advocate General
For the Respondent Nos. 7 & 8: Mr. Pranoy Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

6 23-02-2026 Heard learned counsel for the petitioner and learned
counsel for the respondents.



2. The following reliefs have been sought for by the petitioner in the present writ application:

“1(i) That an appropriate writ/s in the nature of Certiorari be issued to quash the decisions of the Technical Bid Evaluation Committee contained in Memo No. 125 dated 31/01/2025 (Annexure-P/9) whereby and whereunder, technical bid of the petitioner has been declared disqualified.

(ii) That, an appropriate writ/s in the nature of Certiorari to quash the subsequent decision of the Technical Bid Evaluation Committee dated 11/03/2025, contained in Memo No. 643 dated 11/03/2025, (Annexure-P/11), whereby an objection filed by the petitioner has been rejected by the Technical Bid Evaluation Committee and affirmed its earlier decision of disqualifying the petitioner from Technical Bid and decided to open Financial Bid.

(iii) That an appropriate writ/s in the nature of Mandamus; directing respondent authorities to declare the petitioner's bid as responsive, considering the facts placed before the respondent authorities, by the petitioner; through his representation dated 08/01/2025 as well as objection/complaint dated 09/02/2025.

(iv) That for proper declaration that, clause



21(xiii) of the Notice Inviting Tender (hereinafter referred as NIT) speaks about the experience certificate, which is contrary to the policy decision of the Works Department of the Government, in order to facilitate the newly registered contractor, enabling them to participate in tender amounting to rupees upto 50 lakhs, without any experience certificate and for that a guidelines have been issued.

(v) That an appropriate writ/s, order/s, direction/s in the nature of Mandamus; directing respondent authorities, to make a detailed enquiry on the issue raised by the petitioner, with regard to two responsive technical bids, as the decision of the Technical Bid Committee dated 11/03/2025 (Annexure-P/11) is completely silent not only in present matter but tender of different groups and surprisingly only two bids of all the tenders are declared responsive.

(vi) That any other relief/s for that petitioner is found entitled in law be granted to him.

(vii) For quashing the decision of financial bid opened and decided with respect to Tender Reference No. NIT-03/2024-25/E-Tender/LAEO/WDGH No. 12”

3. The agreement dated 02.01.2026 shall be marked



as ‘X’ and made part of the record.

4. Learned counsel for the respondents-State submits that the LOA has already been issued in favour of respondent no. 8 on 12.07.2025 and, pursuant thereto, an agreement has been executed on 02.01.2026.

5. Considering the fact that the agreement has already been executed, the present writ application stands dismissed as having become infructuous.

6. The petitioner shall be at liberty to avail such other legal remedies as may be available to him.

7. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

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