

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15268 of 2025

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Butterfly India a Proprietorship Firm, having its Office at 32, Global City, Ganga Nagar, Police Station-Ganga Nagar, District-Meerut (Uttar Pradesh), through its Proprietor Sat Preet Singh, male, aged 50 years, son of Late Shri Balwant Singh Dua @ Balvant Singh, resident of Shyam Ratan Apartment, Ganga Nagar Police Station-Ganga Nagar, District-Meerut (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. Bihar Education Project Council having its Office at Shiksha Bhawan, Rashtra Bhasha Parishad Council, Saidpur, Rajendra Nagar, Patna.
3. The State Project Director, Bihar Education Project Council, Patna, Bihar.
4. The Union of India through the Secretary, Ministry of Education, Government of India, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Murari, Advocate
	:	Mr. Parijat Saurav, Advocate
For the Respondent/s	:	Mr. Government Advocate -11
For the UOI	:	Mr. Parmanand Prasad, CGC
For the BEPC	:	Mr. Girijesh Kumar, Advocate
	:	Mr. Akash Anand, Advocate

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

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

4 12-02-2026 Heard learned counsels for the parties.

2. The present writ petition has been filed for the following reliefs:-

a) For issuance of a writ in the nature of certiorari or any other appropriate writ or order for quashing the entire tender for Sports Kit bearing Tender ID BEPC/SPORTS KIT/2025-26/3127 Dated 11/07/2025, more particularly conditions



contained in clause 4.1(1), 4.1(2), 4.1(4), 4.1(7) and 4.1(18) of the impugned tender dated 11/07/2025 (Annexure P-3, page no 76-79), issued by the respondent Bihar Education Project Council for being arbitrary, whimsical, tailor-made and thus discriminatory.

b) Further to declare and hold, as the entire impugned tender process suffers from lack of transparency and objectivity, which is evident from the facts that participation of companies only has been permitted as bidder in the tender process [clause 4.1(1)], and the [clause 4.1(7)], which conditions are restrictive, extraneous, beyond the scope of work of supply of sports kits and thereby arbitrary, illegal and unconstitutional since violative of Article 14, 19 and 301 of the Constitution of India.

c) To direct the respondents to suitably modify and rationalize the tender conditions of BEPC/SPORTS KIT/2025-26/3127 Dated 11/07/2025, in tune with the initial tender bearing Tender ID BEPC/SPORTS KIT/2024-25/4330 Dated 16/11/2024 so as to enable the petitioner and others to participate in the ensuing tender process for exclusive supply of sports kits.

d) During pendency of the writ petition, be pleased to stay the further proceedings related to the impugned Tender ID BEPC/SPORTS KIT/2025-26/3127 Dated 11/07/2025 (Annexure P-3) issued by the respondent Bihar Education Project Council.

3. Learned counsel for the respondents submits that



the respondent authorities intend to withdraw the NIT in question in terms of clause No. 3.4 of the NIT which provides the right of the authority to annul the bidding process. Clause 3.4 reads as follows:-

3.4 RIGHT TO ACCEPT OR REJECT

- a) The BEPC. GOB may reject a proposal at any stage if it is found that the firm recommended for award has indulged in corrupt or fraudulent activities in competing for the contract in question, and may also declare a firm ineligible or blacklist the firm, either indefinitely or for a stated period of time, if at any time it is found that the firm has engaged in corrupt or fraudulent practices in competing for, or in executing the contract.*
- b) Notwithstanding anything contained in this RFP, the BEPC, GOB reserves the right to accept or reject any Proposal and to annul the bidding process and reject all Proposals and to at any time, without any liability or any obligation for such acceptance, rejection or annulment, without assigning any reasons.*
- c) BEPC GOB reserves the right to reject any Proposal if, at any time, a material misrepresentation made by a Bidder at any stage of the bidding process is discovered.*

4. Considering the aforesaid submission, no further order is required to be passed in the present writ application, as the grievance of the petitioner no longer survives.

5. Accordingly, the present writ application stands



disposed of as having become infructuous.

6. The interim relief granted to the petitioner vide order dated 17.09.2025 stands vacated.

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

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

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