

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17011 of 2025

M/s R.S. Construction having its Registered Office at Kali Asthan Chowk, Begusarai, Bihar, through its patner Pankaj Kumar, Aged about 52, S/o Sri Rameshwar Prasad Singh, Resident of Village- Sihma, Post Office- Sihma, Police Station- Matihani- District- Begusarai, Bihar, Pin- 851132.

... .. Petitioner

Versus

1. The State of Bihar through its Additional Chief Secretary, Health Department, Government of Bihar, Patna.
2. Bihar Medical Services and Infrastructure Corporation Limited (BMSICL), through its Managing Director, having its office at Patna.
3. The General Manager (Finance and Accounts), Bihar Medical Services and Infrastructure Corporation Limited, Hospital Road, Shastri Nagar, Patna-800023 (Bihar).
4. The Chief General Manager (Projects), Bihar Medical Services and Infrastructure Corporation Limited, Hospital Road, Shastri Nagar, Patna-800023 (Bihar).
5. Deputy General Manager (Tenders), Bihar Medical Services and Infrastructure Corporation Limited Hospital Road, Shastri Nagar, Patna-800023 (Bihar).
6. Deputy General Manager (Headquarters), Bihar Medical Services and Infrastructure Corporation Limited Hospital Road, Shastri Nagar, Patna-800023 (Bihar).

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Ranvir Pratap Singh, Advocate
For the State	:	Mr. P.K. Shahi, Advocate General
		Mr. Amish Jha, AC to AG
For the BMSICL	:	Mr. Lalit Kishore, Sr. Advocate with
		Mr. Vikash Kumar, Advocate
		Mr. Ayush Kumar, Advocate
		Mr. Kanishka Shankar, Advocate

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

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 28-01-2026 In the present writ petition, the petitioner has prayed
for the following relief/s:-



“i. Issuance of an appropriate writ/s, order/s or direction/s, particularly in the nature of writ of Mandamus commanding the Respondents to consider and accept the clarification furnished by the Petitioner with respect to the objections raised by the Respondents vide File no. BMSIC/75030/11-2025 dated 20.09.2025 and in consequence thereof, to treat the Petitioner as technically qualified.

ii. Issuance of an appropriate writ/s, order/s or direction/s, particularly in the nature of writ of Mandamus to Respondents to permit the Petitioner to participate in the financial bid evaluation and open the financial bid of the Petitioner for Group No. 3 Construction work of 100 bed in Critical Care Block in Sadar Hospital, Buxar and Group No. 6 Construction work of 100 bed in Critical Care Block in Medical College, Begusarai under NIT No. 23/2025:

iii. Issuance of an appropriate writ/s, order/s or direction/s, particularly in the nature of writ of Mandamus to Declare that the Respondents have failed to adhere to Clause 22.4(iii) of the Standard Bidding Document (SBD) by arbitrarily reducing the clarification period from 7 days to 2 days, thereby vitiating the entire tender evaluation process against the Petitioner.

iv. Issue a writ of certiorari or any other appropriate writ quashing the deemed rejection of the Petitioner's technical bid under the NIT floated by BMSICL vide NIT no. BMSICL/Infra/23/2025 dated 02.09.2025



insofar as it is based on the said violation of Clause 22.4(iii) of the Standard Bidding Document (SBD).

v. To direct the Respondents to keep the tender process under NIT No. 23/2025 in abeyance, and not to finalise/award the work till pendency of the writ petition.”

2. In course of the arguments, Mr. Vikash Kumar, learned counsel for Respondent Nos.2 to 6, submits that the Tender (NIT No.23/2025) has already been withdrawn and a fresh tender has been floated.

3. Considering the aforesaid submission, and since the said tender has already been withdrawn by the respondents, no further order is required to be passed in the present writ application as the matter has become infructuous.

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

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

(Sudhir Singh, J.)

(Ritesh Kumar, J.)

*Gaurav Kumar,
Krishnakant/-*

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