

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16785 of 2025

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Pramod Kumar Premi, Son of Rajendra Bhagat, Resident of Village and P.O.-
Chotki Badhona, Ward No. 06, P.S.- Chausa, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Rural works Department, Government of Bihar, Patna.
4. The Chief Engineer- 4, Rural Works Department, Purnea.
5. The Superintending Engineer, Rural Works Department, Work Circle, Madhepura.
6. The Nodal Officer, MMGSUY, Rural Works Department, Bihar, Patna.
7. The Executive Engineer, Work Division- Udakishanganj, District- Madhepura.
8. Saroj Kumar Yadav, S/o Ram Narayan Yadav, R/o- At Vikramsher, Ward No. 08, P.O.- Bharpophori, P.S.- Andhramath Kukur Doura, District- Madhubani, Pin- 847108.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Smt. Namrata Mishra, Sr. Advocate Mr. Alok Ranjan, Advocate
For the State	:	Mr. Amish Kumar, Advocate
For the Respondent No.8:	:	Mr. Anand Kumar Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 04-02-2026

Heard learned counsel for the parties.

2. Following reliefs have been sought in the present
writ application:

“i. For quashing memo as contained in Memo No. 3725



dated 26.09.2025 issued under the signature of the Engineer-in-Chief, cum-Additional Commissioner-cum-Special Secretary, Rural works Department, Government of Bihar, Patna and other officials (Technical Bid Committee) uploaded on internet site of the Department, on 26.09.2025 after 17.54 PM as evident from digital signature after opening of Financial bid, whereby and where under the complaint filed on behalf of the petitioner against respondent no. 8, has erroneously been rejected, to favor him by the respondent authorities, in spite of the fact that respondent no.8 have furnished wrong details (played fraud), have furnished documents without of any signature and annexed audit report without of any UDIN No., without the UDIN no. the veracity of the document cannot be verified, and payment certificate annexed by respondent no. 8 does not contain signature of issuing authority, which is mandatory requirement to be considered for award of work or to participate in the tender process.

ii). For quashing of the decision of the respondent authorities dated 26.09.2025 at about 05.53 PM, whereby and where under financial bid of the petitioner along with respondent no. 8 have been opened and respondent no. 8 has been declared as L1, in a very arbitrary, illegal, discriminatory manner, being biased as against the petitioner, without even informing to the petitioner about disposal of the complaint to the petitioner; moreover, the same was uploaded on the website after decision of the technical bid committee considering respondent no.8 as financially qualified.

iii). For directing and commanding the respondent authorities to award work order in favor of the petitioner; as the petitioner possesses requisite criteria for grant of work (Tender ID-143336) (RRSMP-11/25-



26 Udakishanganj/01) and is duly qualified in technical and was erroneously declared as 12 and proceed further with the tender and get the agreement executed, allow the petitioner to carry out and complete the work, for which petitioner possesses the requisite criteria.

iv. For declaration that the decisions of the authorities dated 26.09.2025 (Technical Bid) and 26.09.2025 (Financial Bid) uploaded on official website 17.54PM and 17.53PM respectively as totally baseless, illegal, arbitrary, discriminatory as against the petitioner, biased as against the petitioner, as well as colorable exercise of power and in contravention of Clause 32 of the NIT.

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

3. The brief facts of the case are that the petitioner had participated in NIT No. RRSMP -11/2025 dated 03.07.2025, and was declared technically qualified along with two other bidders. The petitioner had filed a complaint against Respondent No. 8 on his being declared as technically successful bidder. The said complaint was examined by the Technical Bid Evaluation Committee (for short the ‘Committee’) and upon consideration of the materials on record the committee passed an order dated 26.09.2025, which is under challenge.

4. It has been submitted on behalf of the petitioner that there had been certain suppression of facts on the part of the Respondent No. 8. It is submitted that the Respondent No. 8 had



not submitted documents in consonance with the terms of NIT; The Audit Report submitted by the petitioner did not bear a UDIN number, and the Payment Certificate submitted by the petitioner appears to be forged.

5. A counter affidavit has been filed on behalf of Respondent Nos. 5 to 7. Paragraphs 7, 8 and 9 thereof read as under:

“7. That soon after the communication of the aforesaid decision the petitioner filed his objections/complaints vide his letter dated 12.09.2025 against the bidder namely Saroj Kumar Yadav making allegation therein that the Respondent No. 8 has committed irregularities and requested to verify the document uploaded by Respondent No. 8.

8. That considering the complaint filed by the petitioner the tender documents uploaded by the Respondent No. 8 were duly verified by the Committee during which it transpired that the amount of financial year 2019-20 was mentioned on the attached Turnover Certificate of financial year 2019-20 to 2023-24 and on verification of UDIN mentioned on it, the same amount (Rs. 307.81958) was displayed. The amount of 'By Gross Received Civil Contract works' was mentioned as Rs 1865.40205 lakh on the Contract and Profit & Loss account of the financial year 2023-24, on which the same amount was displayed during the verification of the UDIN mentioned on it. The total amount of the Payment Certificate (signed by the competent authority) for the financial, year 2023-24 attached by the Respondent No. 8 in the tender is Rs. 1027.23297 lakh (Gross Amount) which is more than the amount of civil



work desired in this tender (Rs. 174.64689 lakh). The attached payment certificates for Supaul and Phulpanas were verified by the Executive Engineers concerned which was found to be valid and correct.

9. That after verifying the documents uploaded by Respondent No. 8 the Technical Bid Evaluation Committee, re-convened its meeting on 26.09.2025 and again declared all the bidders qualified including the Respondent No. 8 vide decision communicated Memo No. 3725 dated 26.09.2025."

6. Upon consideration of the submissions and the materials on record put forth by both the parties, we find that there is no suppression of fact made whatsoever by the Respondent No. 8. The respondent authorities *vide* Annexure – P/6 had passed a speaking order taking into account the allegations/objections made by the petitioner. The respondent authorities had verified the documents which had been submitted by the Respondent No. 8 in light of such objections. The relevant portion of Annexure – P/6 is reproduced as under:

"वस्तुस्थिति यह है कि निविदाकार Saroj Kumar Yadav (Bid Id-626386) द्वारा निविदा में संलग्न :-

वित्तीय वर्ष 2019-20 के Audit Report के कागजात पर UDIN अंकित नहीं है परंतु वित्तीय वर्ष 2019-20 से 2023-24 के संलग्न Turnover Certificate पर वित्तीय वर्ष 2019-20 की राशि अंकित है तथा इसपर अंकित UDIN के सत्यापन में समान राशि (रु० 307.81956) प्रदर्शित होता है।



वित्तीय वर्ष 2023-24 के Contract and Profit & Loss account के कागजात पर By Gross Received Civil Contract works की राशि 1865.40205 लाख अंकित है, जिसपर अंकित UDIN के सत्यापन में समान राशि प्रदर्शित होता है।

निविदाकार द्वारा निविदा में संलग्न वित्तीय वर्ष 2023-24 के Payment Certificate (सक्षम प्राधिकार द्वारा हस्ताक्षरित) की कुल राशि 1027.23297 लाख (Grosss Amount) है जो इस निविदा में वांछित Civil work की राशि (रु0 174.64689 लाख) से अधिक है।

सुपौल एवं Phulparas का संलग्न Payment Certificate पर सक्षम प्राधिकार का हस्ताक्षर नहीं रहने के कारण इसे consider नहीं किया जा सकता है। इस संबंध में कार्यपालक अभियंता, ग्रामीण कार्य विभाग, कार्य प्रमंडल-सुपौल द्वारा संलग्न Payment certificate पर अंकित किया गया:- verified and found correct तथा कार्यपालक अभियंता- फुलपरास द्वारा भी उक्त payment certificate को सत्यापित किया गया है।"

7. In light of the discussions made above, it is apparent that the documents uploaded by the respondent no. 8 is duly examined and verified by the committee. We, therefore, find no infirmity in the impugned order issued by the respondent department. As such, no reason is made out to interfere in the tender process.

8. It won't be out of place to indicate here that the financial bid has also been opened, Respondent No. 8 has been



declared to be L1 and work order dated 05.10.2025 has also been issued in his favour by the Department. The said work order has not been challenged in the present writ application.

9. In view of the aforesaid facts and circumstances, we find no merit in the present writ application.

10. Accordingly, the present writ application stands dismissed.

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

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.02.2026
Transmission Date	NA

