IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.386 of 2026

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M/s Solanki Engicon Private Limited (a Company incorporated under the Indian Companies Act, 2013) having its Registered office at House No. 11, Vill.- Chhotkipatti, Bagah, Pashchim Champaran, Bihar - 845101 through its Director Mr. Samir Suman, aged about 35 years, S/o Manoj Kumar Rao.

... ... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Rural Works Department 5th Floor, Vishvshwarya Bhawan, Bailey Road Patna.
2. Engineer-in-Chief cum Additional Commissioner cum Special Secretary, Rural Works Department, 5th Floor, Vishvshwarya Bhawan, Bailey Road, Patna.
3. Chief Engineer, Rural Works Department, Muzaffarpur.
4. Superintendent Engineer, Rural Works Department, Bettiah.
5. Executive Engineer, Rural Works Department, Bettiah.
6. Nodal Officer, Mukhya Mantri Gram Sampark Yojna, Rural Work Department, Patna.

... ... Respondents

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Appearance :
For the Petitioner : Mr. Anurag Saurav, Advocate
For the Respondents : Mr. Addl. Advocate General-13

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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)

2 02-02-2026 The present writ application has been filed for the following reliefs:

"(a) *For Quashing of Memo bearing Memo no. 3235, Dated 16.12.2025 issued by the Respondent No. 2 whereby and where-under the Technical Bid of the Petitioner of Tender issued under MMGSY* *by Work Division- Bettiah bearing Package No. MMGSY (AWSESH-SC)- Betia-891 has been rejected on the nonest ground that there is difference of Anual Turnover in the Annual Return and 26AS (TDS Certificate) of the petitioner in the Financial Years 2023-24 and 2022-23, whereas the petitioner's tender has been rejected on the basis violation of Clause 4.7 of the Combined Model Bidding Document (hereinby referred to as "CMBD.") and the said Clause states about the misleading and false representation in the forms, statements, affidavit and attachments submitted in proof of the qualification requirement and the petitioner had not made any false submission during the declaration of the turnover and the difference in Annual Turn Over reflected in Annual Return and 26AS (TDS Certificate) not amount to misrepresentation or false representation.*

(b) For Issuance of the Writ in nature of Mandamus directing the respondent authorities to consider the petitioner's Bid, as the petitioner is having the requisite qualification as required in the

tender document and having the required annual turnover as demanded in Clause 4.4A of the CMBD and even Turn Over mentioned in Annual Return is higher than the mount in which TDS had been deducted and TDS Certificate i.e. 26AS had been issued, will not reduced the Turn Over of the Financial Year declared and tax paid by petitioner before Income Tax Authority.

(c) For restraining the respondent authorities from the Opening of Financial Bid of Tender Package No.-MMGSY (AWSESH-SC) -Betia-891, Tender ID – 2025 – RWD- 145422-1, till the disposal of the present writ application ,as the petitioner having good ground for consideration and to get qualified in the Technical Bid.

(d) For issuance of any other relief or reliefs as Your Lordship may deem fit."

2. Under the impugned order dated 16.12.2025 itself, liberty was granted to the petitioner to file a complaint in the event he was aggrieved by the said order, which is reproduced below:

Annexure-P12 -208-

बिहार सरकार
ग्रामीण कार्य विभाग

दिनांक–16.12.2025 को अभियंता प्रमुख–सह–अपर आयुक्त–सह–विशेष सचिव, ग्रामीण कार्य विभाग की अध्यक्षता में सम्पन्न तकनीकी बीड मूल्यांकन समिति की बैठक की कार्यवाही–

मुख्यमंत्री ग्राम सम्पर्क योजना (अवशेष–अनुसूचित जाति) अंतर्गत कार्य प्रमंडल, बेतिया के अधीन स्वीकृत निविदा समूह Package No-MMGSY(AWSESH-SC)-Betia-891 (Tender ID-2025_RWD_145423_1) के निर्माण एवं छः वर्षीय अनुरक्षण कार्य के लिए निविदा आमंत्रण सूचना संख्या–RWD/MMGSY(AWSESH-SC)/HQ/ET/2025-26/25 के द्वारा निविदा प्रकाशित की गयी, जिसका PR.No-016856 (RWD) 2025-26 एवं प्रकाशन तिथि–08.10.2025 है। प्रकाशित निविदा के अनुसार Online निविदा प्राप्ति की अंतिम तिथि 10.11.2025 था, जिसे अवधि विस्तारित कर दिनांक 17.11.2025 कर दिया गया। Online निविदा में भाग लेने वाले कुल–03 (तीन) निविदाकारों के तकनीकी बीड से संबंधित Checklist/अभिलेख क्षेत्रीय पदाधिकारियों द्वारा उपलब्ध कराया गया। उक्त निविदा के निर्माण एवं छः वर्षीय अनुरक्षण कार्य के लिए निविदा राशि ₹ 647.87 लाख मात्र है। उक्त निविदा समूह में शामिल पथ योजनाओं के प्रशासनिक स्वीकृति की कुल राशि ₹ 582.11 लाख है। क्षेत्रीय अभियंताओं द्वारा उपलब्ध कराये गये Checklist/ अभिलेख के आधार पर समिति द्वारा सम्यक विचारोपरांत निम्नवत् निर्णय लिया जाता है :–

(i) Solanki Engicon Private Limited (Bid ID-636274) द्वारा निविदा में संलग्न वित्तीय वर्ष 2023–24, 2022–23 के ATO एवं 26AS से ATO की राशि में भिन्नता रहने के कारण CMBD की कंडिका–4.7(i) Made misleading or false representations in the forms Statements, affidavits and attachments submitted in proof of the qualification requirements के आलोक में इन्हें तकनीकी बीड में अयोग्य घोषित किया जाता है।

(ii) Vikash Kumar Pandey (Bid ID-636296) को CMBD की न्यूनतम वांछित अर्हताओं को पूरा करने के कारण तकनीकी बीड में योग्य घोषित किया जाता है।

(iii) Awadhesh Shukla (Bid ID-636401) को CMBD की न्यूनतम वांछित अर्हताओं को पूरा करने के कारण तकनीकी बीड में योग्य घोषित किया जाता है।

इस निविदा में भाग लेने वाले निविदाकार तकनीकी बीड समिति के निर्णय के विरुद्ध अपना अभ्यावेदन/परिवाद साक्ष्य एवं शपथ पत्र के साथ तकनीकी बीड की कार्यवाही अपलोड होने के पश्चात 05 (पाँच) कार्यदिवस तक ही समर्पित कर सकते हैं। 05 कार्यदिवस व्यतीत होने के पश्चात् प्राप्त अभ्यावेदन/परिवाद पर विचार नहीं किया जायेगा।

बैठक धन्यवाद ज्ञापन के साथ समाप्त हुई।

(अजीत कुमार)
नोडल पदाधिकारी,
MMGSY

(राम विनय सिंह)
अधीक्षण अभियंता,
ग्रामीण कार्य विभाग
कार्य अंचल, बेतिया

(हलेश सिंह)
अभियंता प्रमुख–सह–अपर
आयुक्त–सह–विशेष सचिव के सचिव [illegible]
ग्रामीण कार्य विभाग

([illegible] कुमार)
मुख्य अभियंता–4 (मुजफ्फरपुर),
ग्रामीण कार्य विभाग

(निर्मल कुमार)
अभियंता प्रमुख–सह–अपर
आयुक्त–सह–विशेष सचिव,
ग्रामीण कार्य विभाग

3. Learned counsel for the petitioner has submitted that a complaint was filed on 22.12.2025, which is pending till date. A copy of the complaint has been produced in course of proceedings and is marked as 'X' and shall form part of the record.

4. Considering the fact that the said complaint is still

pending before respondent No. 5, respondent No. 5 is directed to dispose of the said complaint within a period of fifteen days from the date of receipt or production of a copy of this order, after granting due opportunity of hearing to all the stakeholders.

5. With the aforesaid observation, the writ application stands disposed of.

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

(Sudhir Singh, J.)

(Rajesh Kumar Verma, J.)

Gaurav Kumar,
Ibrar/-

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