IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 23794 of 2026
CNR No.ODHC010566022026

Mukesh Jhankar .... ***Petitioner***
Mr. Anjan Kumar Biswal, Advocate

-versus-

State of Odisha and others .... ***Opposite parties***
Mr. Sanjib Kumar Swain, Additional Government Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR JUSTICE CHITTARANJAN DASH

ORDER
09.09.2026

Order No.

01. **1.** It is one of the classical example where the authorities, having found that the petitioner emerged successful in all tiers of the tender process, is thrown out of the zone of awarding the contract on a fringe ground that the petitioner has not used alphabetical letter 'n' in some of the signatures appended on the tender document.

2. The petitioner is known as "Mukesh Jhankar" and participated in the tender process by appending all the requisite documents required in terms of the several clauses comprised in the Notice Inviting Tender. The petitioner was shown qualified at the technical bid stage, which would be reflected from the downloaded

copy of the tender summary reports dated 14th July, 2026 and, thus, become eligible for the financial bid.

3. The Additional Chief Engineer, Rural Water Supply and Sanitation (RWS&S) Circle, Balangir issued a letter dated 16th June, 2026 to the Superintending Engineer, (RWS&S) Division, Kalahandi to open the financial bid of the technically qualified bidders, which are shown in Annexure-A appended thereto.

4. Undeniably, the petitioner's name appears in serial number 36 of the said Annexure, but instead of opening the bid of the petitioner at such financial bid stage, the petitioner was informed that because of the mismatch in the signature, his bid should be treated as disqualified.

5. The petitioner immediately responded to such verbal query by causing a letter appending the affidavit duly sworn before the Executive Magistrate to the effect that he is known by the name of "Mukesh Jhankar" and, therefore, the "Mukesh Jhankar" and "Mukesh Jhakar" are one and the same person, yet the authorities proceeded to reject the bid of the petitioner solely on the ground that the documents he submitted subsequent to the due date of the submission of the bid cannot be considered in terms of the Notice

Inviting Tender as well as under the Odisha Public Works Department (OPWD) Code.

6. Mr. Sanjib Kumar Swain, learned Additional Government Advocate (AGA) took shelter under Clause-20.5 of the Notice Inviting Tender, which postulates that any alteration/modification in the application/bid or additional information supplied subsequent to the application/bid due date, unless the same has been expressly sought for by the authority, shall be disregarded. According to him, the subsequent documents, may be in the nature of a clarification, are unacceptable in terms of the said clause and, therefore, there is no infirmity and/or illegality in rejecting the bid of the petitioner.

7. The aforesaid stand is preposterous and there is a fallacy in it. The bid submitted by the petitioner within the due date was evaluated by the Tendering Committee at the technical bid stage and the document would reveal that the petitioner was shown qualified at such stage. Even a letter dated 16th June, 2026 issued by the Additional Chief Engineer, would corroborate such notion as the name of the petitioner being a technically qualified bidder was incorporated therein. There is no correspondences issued by the authorities seeking any clarification in relation to a signature

appended on the bid document, where in some places, the alphabet 'n' is missing but since an oral communication was made, the petitioner submitted the clarification that it is a mere human error not affecting his status or a name by which he is known in the world, as there is no other person of such name who has secured the other contracts.

8. It is not a submission of a new document, but a clarification in pursuance of the query having raised upon him. The authorities cannot approbate and reprobate at the same time. In the event the stand is taken that no subsequent document would be entertained in terms of Clause-20.5, there is no material forthcoming that the decision of the Tender Evaluation Committee has been revisited.

9. The moment the petitioner is found qualified at the technical bid stage and entitled to participate in the financial bid stage, there is no point in rejecting the bid on the score that subsequent documents cannot be entertained.

10. The authorities have to act uniformly and do not take a decision which would percolate an impression or an inference that it wanted to favour someone at the expense of the rightful bidder. The letter on an oral query was submitted in a clarificatory manner,

which cannot be perceived to be a new document to be filed by the petitioner and, therefore, we do not find that the stand of the authorities in this regard can be supported.

11. We, thus, set aside the impugned order dated 23rd July, 2026 issued by the Additional Chief Engineer, RWS&S Circle, Balangir and direct the authorities to open the financial bid of the petitioner, if not already opened or in the event, the same is open and the petitioner is found to be the successful bidder, all consequential steps in this regard shall be undertaken by the said authorities.

12. With these observations and directions, the instant writ petition is disposed of.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge

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Signature Not Verified
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Signed by: SISIRA KUMAR BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 11-Sep-2026 14:47:38