

GAHC010253652025



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**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/6484/2025**

EASTERN TECHNOLOGY GROUP  
HAVING ITS REGISTERED OFFICE AT AIDC, R.G. BARUAH ROAD,  
GUWAHATI-78L024, REPRESENTED BY ITS SOLE PROPRIETOR, SRI  
DEEPAK CHOUDHURY, AGED ABOUT 51 YEARS, SON OF SHRI DHARANI  
CHOUDHURY, RESIDENT OF FLAT NO. 4E, DICHANG APARTMENT,  
BELTOLA TINIALI, GUWAHATI, DIST. KAMRUP (M), ASSAM PIN-781028

VERSUS

THE STATE OF ASSAM AND 2 ORS.  
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM, HIGHER EDUCATION DEPARTMENT, DISPUR,  
GUWAHATI, DISTRICT - KAMRUP M, PIN - 781006, ASSAM.

2:THE ADARSHA VIDYALAYA SANGHARSHA  
ASSAM  
REPRESENTED BY ITS MANAGING DIRECTOR  
KAHILIPARA  
GUWAHATI  
DISTRICT - KAMRUP (M)  
PIN - 781019  
ASSAM

3:MANAGING DIRECTOR

THE ADARSHA VIDYALAYA SANGHARSHA  
ASSAM KAHILIPARA  
GUWAHATI  
DIST. KAMRUP(M)  
ASSAM  
PIN-78101

For the Petitioner(s) : Mr. S. Banik, Advocate

For the Respondent(s) : Mr. B. Gogoi, Addl. AG, Assam

**BEFORE  
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**Date : 17.11.2025**

Issue notice making it returnable on 26.11.2025.

2. Mr. S. Banik, the learned counsel appearing on behalf of the Petitioner submits that inadvertently while describing the Respondent No.1, the words "Higher Education Department" have been mentioned which ought to have been mentioned as "Education Department". He therefore submits that he may be permitted to make necessary correction by filing a fresh Memo of Parties.
3. Taking into account the Annexure-A which is the Notice Inviting Tender which specifically mentions the Department to be the Education Department of the Government of Assam, the Respondent No.1 shall be the State of Assam represented by Commissioner and Secretary to the Government of Assam, Education Department, Dispur, Guwahati.
4. The Petitioner is directed to file a fresh Memo of Parties before the Registry of this Court within 18.11.2025 and on the basis thereof, the Registry shall make necessary correction in the Cause Title as well as update the same in the CIS.
5. Mr. B. Gogoi, the learned Additional Government Advocate appears on behalf of the Respondent No.1 and accepts notice.

6. As the Respondent No.1 has been duly represented, extra copies of the writ petition be served upon him during the course of the day.
7. As regards the Respondent Nos. 2 and 3, the Petitioner is directed to take steps by way of dasti routed through the Registry of this Court and file an affidavit of service on or before the next date.
8. The Petitioner herein which is a proprietorship firm has assailed the Notice Inviting Tender dated 17.10.2025 on account of two Clauses which is the part of the Additional Requirements for the project form Bidder/OEM.
9. Mr. S. Banik, the learned counsel appearing on behalf of the Petitioner has drawn the attention of this Court to Clause 1 of the **OEM and Bidder Pre-Qualification Criteria (valid documentary proof required)** and submitted that though the bidder can be a company/firm/proprietorship, the Respondents in the said Clause required the documentary proof of registration under the Indian Companies Act, 1956 or registered under the Indian Limited Liability Partnership Act, 2008. Mr. S. Banik, the learned counsel submits that the proprietorship firm cannot be registered under either of the two Acts and as such, the said Clause on its own is self-defeating.
10. Further to that, Mr. S. Banik, the learned counsel appearing on behalf of the Petitioner has referred to Clause No.7 and submitted that any bidder who have been blacklisted or debarred at any Central/State Government Organization/PSU's/Government Educational Institutions etc. at any point of time cannot be permitted to participate. The learned counsel submits that it is a settled principle of law that

blacklisting/debarment order cannot remain in existence for all times to come. Referring to an order passed by the learned Coordinate Bench of this Court in another writ petition filed by the Petitioner against the National Institute of Technology, Silchar dated 16.12.2024 in WP(C) No.6724/2024, the learned counsel submits that the learned Coordinate Bench of this Court categorically held that the stigma of blacklisting/debarment cannot remain forever. He therefore submits that Clause No.7 is not only in violation of settled principles of law but also arbitrary, unreasonable and violates the mandate of Article 14 of the Constitution.

11. This Court has heard the learned counsel for the Petitioner as well as the Respondent No.1 on whether interim directions are required to be passed.

12. Taking into account the said submissions, it is the opinion of this Court that the Petitioner herein had been able to make out a case for interim directions.

13. Accordingly, this Court therefore stays the further evaluation of the Notice Inviting Tender bearing No.GEM/2025/B/6723723 dated 17.10.2025 till the next date.

14. Before parting with the records, this Court however finds it very pertinent to observe that this Court has stayed the further evaluation on account of the fact that merely permitting the Petitioner at this stage to participate de hors the Clause Nos. 1 and 7 which have been impugned in the instant proceedings would not be in the interest of wider participation of all the other bidders who could have otherwise participated in the said

bid process sans Clause Nos. 1 and 7 impugned in the present proceedings.

15. List accordingly.

**JUDGE**

**Comparing Assistant**