

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No.970 of 2025 with
MC (WP(C)) No.895 of 2025

M/s Eputhou Marjing Print &
Advertising

... Petitioner

-Versus-

Board of Secondary Education
Manipur & 3 Ors

... Respondents

**BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**

8.12.2025

Heard Mr.M.Rarry, learned senior counsel assisted by
Ms.Nikita, learned counsel for the petitioner.

The petitioner is one of the bidders in NIT dated
12.9.2025 issued by the Board of Secondary Education Manipur
(BOSEM) for supply of paper for printing textbook and answer script for
the academic session 2025-26. In the NIT, out of four bidders, three
bidders including the petitioner herein were declared and petitioner is
the L-3 and the other bidders are L-1 and L-2. Vide order dated
29.9.2025, issued by the Secretary, BOSEM, petitioner and other two
others were declared as L-3, L-2 and L.1 and award dated 24.10.2025
was given to the petitioner, who is L-3 in the NIT and award of contract
vide order dated 24.10.2025 has been challenged by L-1 and L-2 in
WP(C) No.870 of 2025 and 879 of 2025. On the first listing of WP(C)
No.870 of 2025, this Court passed interim order keeping status quo as
on date and interim was vacated vide order dated 21.11.2025 on the

failure of endeavour of the Board to distribute equally awards to L-1, 2 and 3, as L-1 has objected the proposal of the BOSEM.

Thereafter this Court listed the matter for hearing on merit after completion of pleadings. In the order dated 21.11.2025 this Court recorded the undertaking given by Mr.M.Rarry, learned senior counsel for L-3 that he may be allowed to supply the paper for the time being subject to the outcome of the writ petition and he will refund any difference, if any, as decided by this Court. Interim order was vacated thereby allowing L-3 to supply papers with the undertaking made before this Court.

Mr.Rarry, learned senior counsel submits that L-3 has placed order amounting to Rs.1.15 crores to the supplier and papers are on the way. It is also submitted that in terms of the NIT, in the paper to be supplied by L-3, logo of BOSEM has been water-marked in all the papers. It is stated that the Secretary, BOSEM issued letter dated 27.11.2025 to the petitioner/L-3 informing that work order dated 24.10.2025 has been kept in abeyance as the same was issued without prior approval of the Committee.

It is stated that the letter dated 27.11.2025 keeping in abeyance the award dated 24.10.2025 was received by the petitioner on 1.12.2025. Thereafter the Secretary, BOSEM issued another letter dated 3.12.2025 cancelling the award dated 24.10.2025 issued in his favour and same was received on 4.12.2025 at 5 PM. Mr.Rarry, learned senior counsel for the petitioner submits that no reason is given in the cancellation order of award given to the petitioner. It is stated that the petitioner has accrued a right upon issuance of award dated 24.10.2025 in pursuance of the same. After vacation of the interim order by this Court vide order dated 21.11.2025, petitioner has committed huge amount of Rs.1 crore for supply of paper in terms of NIT and no

opportunity of being heard was given to the petitioner. When the connected matter was listed before this Court on 27.11.2025, keeping in abeyance of award by the BOSEM is not intimated about the decision taken on 24.11.2025. In the circumstances the impugned order dated 3.12.2025 is arbitrary, illegal and without applying any mind and also cancellation is in subjudice matters before this Court which were closed only today by separate order.

Mr.Rarry, learned senior counsel for the petitioner submits that since the petitioner has committed himself a huge financial liability, the impugned order be stayed. The petitioner has also prayed for cancellation of the order dated 29.9.2025 with respect to declaration of L-1 and L-2 as technically complied bidders.

Issue Notice.

Mr.A.Devdut, learned counsel appearing along with Mr.A.Jagjit, learned counsel for the BOSEM accepts notice on behalf of respondent Nos.1 and 2. Mr.K.Modhusudon, learned counsel accepts notice on behalf of respondent No.4.

Petitioner is directed to take steps to respondent No.3 by Dasti.

Mr.A.Jagjit, learned counsel for BOSEM submits that contract awarded to L-3 has been cancelled on disclosure of certain discrepancies in the tender process and award was without approval of the Tender Committee. It is stated that award is cancelled invoking clause 19 of NIT.

With regard to query of this Court about the process for arrangement of alternative supplier for paper and also status of printing of text book, Mr.Jagjit, learned counsel for BOSEM submits that he may be given some time to get instruction in this regard.

Mr.Rarry, learned senior counsel for the petitioner submits that clause (19) is not the ground for cancellation, however, cancellation has been given in terms of condition and clause (6). BOSEM may cancel only on three grounds on supplier failure to deliver the item within time, performance in obligation and/or supply of defective papers.

This Court has perused the materials on record and submissions made at Bar. It is submitted that award was given to L-3 and that order is subject matter of challenge in connected matters being WP(C) No.870 and 879 of 2025. This Court passed interim order upon issuance of impugned order dated 24.10.2025 in connected writ petitions and applications have been closed as infructuous by separate order today on cancellation of award to L.3 by order dated 03.12.2025. Immediately after vacation of interim order, petitioner has committed himself with liability of more than Rs.1 crore for supply of paper in terms of NIT. It is also stated that as per NIT condition, BOSEM logo has been embossed on the paper and same paper cannot be sold to any other person. In such circumstance and by cancellation order, the petitioner is going to suffer immensely in terms of the huge financial liability.

In order to do complete justice to all the parties, specially keeping in view of interest of students, let the papers already ordered by the petitioner be accepted in terms of award dated 24.10.2025 be accepted by the Board subject to the undertaking given in the order dated 21.11.2025 in WP(C) Nos.879 and 870 of 2025 and subject to the outcome of the present writ petition.

Prayer for interim order will be considered on the next date.

List on 10.12.2025.

Furnish a copy of this order to learned counsel for the parties in course of the day through WhatsApp or any other available means.

JUDGE

Priyojit