

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2948 of 2015

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1. Satyendra Bahadur Singh Son of Late Ram Narayan Singh, Resident of Village - Pawat P.O. - Behra, P.S. - Ara Muffasil, District - Bhojpur.
 2. Ram Prakash Singh Son of Sri Jainath Singh, Resident of Village- Udaypur, P.O. - Dhamar, P.S. - Ara Muffasil, District - Bhojpur.
 3. Ajay Kumar Singh Son of Ramdeo Singh Resident of Village - Bajaria, P.O. - Baruhi, P.S. - sahar, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Bihar, Patna.
2. The Director, Mid Day Meal Project, Bihar, Patna.
3. The District Magistrate, Bhojpur, Ara.
4. The District Education Officer, Bhojpur, Ara.
5. The District Programme Officer, Mid Day Meal Project, Bhojpur, Ara.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 2180 of 2015

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1. Arvind Kumar Singh Son of Shri Devendra Singh Resident of Village - Ahapura, P.O AND P.S- Sandesh , District - Bhojpur.
2. Saroj Kumar Ojha Son of Shri Surya Kumar Resident of Village - Chakwarh, P.O - Mahuano, P.S- Bihia, District - Bhojpur.
3. Binay Kumar Chaudhary Son of Shri Satyanarayn Chaudhary Resident of Village - Sudhni, P.O - Kasap, P.S- Udvant Nagar, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources, Development Department, Bihar, Patna.
2. The Director, Mid Day Meal Project, Bihar, Patna.
3. The District Magistrate, Bhojpur, Ara.
4. The District Education Officer, Bhojpur, Ara.
5. The District Programme Officer, Mid Day Meal Project, Bhojpur, Ara.

.... Respondent/s

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Appearance :

(In CWJC No. 2948 of 2015)

For the Petitioner/s : Mr. Ram Kumar Singh

For the Respondent/s : Mr. GP21- SANJAY PANDEY

(In CWJC No. 2180 of 2015)

For the Petitioner/s : Mr. Ram Kumar Singh

For the Respondent/s : Mr. SC22-KUNDAN BAHADUR SINGH
Mr. Neeraj Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 24-07-2015

Both the writ applications raise identical/similar issues inasmuch relief prayed therein are identical/similar. Mr. Verma has represented the petitioners in both the cases. The present order shall, therefore, govern both the matters.

Heard Mr. Verma for the petitioner and Mr. Kundan Bahadur Singh, S.C. 22 assisted by others counsels for the State.

These two writ applications have been filed questioning the advertisement dated 15.1.2015 (Annexure-6) published by the respondent inviting fresh tender from eligible applicants/bidders for award of contract for lifting the distribution of rice under the Mid Day Meal (MDM) for the Financial Year 2015-16 for the three blocks Tarari, Jagdishpur and Charpokhari.

Counter affidavits have been filed on behalf of the State.

Contention of Mr. Verma is that in granting the petitioner extension as per the clause of the agreement which was initially entered between the petitioners and the respondent State, the respondents have acted arbitrarily. Some bidders were picked up and given extension whereas petitioners are not. Mr. Verma in this regard drew attention to Annexure-A to the counter affidavit filed on behalf of respondent no 5 wherefrom it appears that in the case of other contractors, the contract period was extended to 5.8.2015. In these background, it has been submitted that in the case of

contractors/bidders for Sandesh, Shahpur and Charpokri Blocks, the contract period was extended up to 5.8.2015 whereas the same privilege was denied to the petitioners.

Counsel for the State has, however, submitted that in the case of the petitioners, the extension of work on the basis of agreement earlier reached between them was extended up to 9th January, 2015. The period has already expired.

I have heard the rival submissions of the parties. Even if the case of Mr. Verma is to be accepted, the term on which the respondent could have been directed to extend the period of contract expires on 5th August, 2015. Taking into account the aforesaid fact, this Court is not inclined to invoke the extraordinary/discretionary writ jurisdiction of this Court.

The writ applications are dismissed.

(Kishore Kumar Mandal, J)

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