

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2888 of 2009

=====

Jitendra Kumar son of late Bangali Sao, resident of village-Hakikatpur
Bakhtiarapur, Police Station Bakhtiarapur, District Patna.

.... Petitioner/s

Versus

- 1.The State of Bihar through the Chief Secretary, Bihar, Patna.
- 2.The Secretary, Rural Works Department, Government of Bihar, New Secretariat, Patna.
- 3.The District Magistrate, Patna.
- 4.The Executive Engineer, Rural Works Department, Work Division 2, Masaurhi Shibir, Patna.

.... Respondent/s

with

Civil Writ Jurisdiction Case No.3454 of 2009

=====

Farida Bano Wife of Md. Najmuddin, resident of Bakhtiarapur, P.S.
Bakhtirapur, District Patna.

.... Petitioner/s

Versus

- 1.The State of Bihar through the Chief Secretary, Bihar, Patna.
- 2.The Secretary, Rural Works Department, Government of Bihar, New Secretariat, Patna.
- 3.The District Magistrate, Patna.
- 4.The Executive Engineer, Rural Works Department, Work Division 2, Masaurhi Shibir, Patna.

.... Respondent/s

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 09-01-2015 Having regard to the fact that due to efflux of time,

both these writ applications filed on 03.03.2009 having

following identical prayer:-

"(i) For quashing the short Term Tender
Invitation Notice No. 3/2008-09 and 4/2008-09,
published from the office of the Executive Engineer
of Rural Work Department, Work Division-2,
Masaudhi, Shibir, Patna as contained in Annexure-1



and 1(i) of this petition whereby and whereunder the tenders have been invited for the construction of P.C.C. Road and Canal under Bakhtiarpur Nagar Panchayat at the estimated cost of Rs. 27.83 lacs.

(ii) For further direction to the respondents that after quashing the notice inviting tender the same works should be allotted to Bakhtiarpur Nagar Panchayat as have been done in the case of other Nagar Panchayats such as Nagar Panchayat, Hilsa, Nagar Panchayat, Islampur (Nalanda) and Nagar Panchayat, Chanpatia."

On account of subsequent events explained in the counter affidavit filed on 6.8.2010 relevant portion whereof reads as follows:-

"That after inviting the tender and going through the prescribed procedure the undersigned executed an agreement with the successful bidder and subsequently work order has been placed. The work is going on in full swing."

has become infructuous. The challenge of the petitioners to the short term notice inviting tender has infact become academic on account of the work order and agreement having been already executed as also the successful

tenderer completing the work. Thus any decision now only as with regard to the correctness of the Notice Inviting Tender will be of no avail.

That being so, both these writ applications are disposed of as having become infructuous.

(Mihir Kumar Jha, J)

Ranjan/-

U			
---	--	--	--