

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2597 of 2015

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M/s Rathour Services through its Proprietor Sanjeev Kumar Singh, At- Khagri, Takiyapur, P.O- Digha, P.S- Danapur, Dist.- Patna-800012.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Forest and Environment Department, Bihar, Patna.
2. The Chairman-cum-Conservator Forest Patna Circle, Patna.
3. The Divisional/District Forest Officer, Patna, Forest Division, Nehru Nagar, Gosai Tola, Patna, Distt- Patna.

.... Respondents

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Appearance :

For the Petitioner : M/s. Nawal Kishore Singh and
Prashant Kashyap, Advocates

For the State : M/s. Rajiv Roy, G.P.5 and
Suresh Kumar, A.C. to G.P.5

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 13-02-2015

Heard the parties.

Petitioner submitted his tender for settlement of cafeteria kiosk in Rajdhani Vatika. He submits that more than several persons participated in the tenders but in the technical bid out of them, only he could become successful. However, when the financial bid was not opened then he sought information under the Right to Information Act. The information given has been appended as Annexure-3. It appears from Annexure-3 that, in view of the fact that only one person could succeed in the technical bid whereas for opening of financial bid more than one person were required, the same was not opened.

Secondly, it has been stated that the tender committee was actually not constituted in accordance with law and as such a decision has been taken for constituting a fresh tender committee in accordance with law. The competent authority had already passed order for constituting a fresh committee and there has been recommendation for inviting fresh tenders by the authority concerned.

In above view of the matter, since the committee itself was not competent, it would be very difficult for this Court to intervene in such affairs in exercise of its power under Section 226 of the Constitution of India.

However, this writ application is being disposed of with a direction to the authority concerned to take a decision upon the recommendation of the committee for inviting fresh tenders in accordance with law. Let such decision be taken by the competent authority expeditiously preferably within a period of one month from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

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