

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11991 of 2014

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Dharmendra Kumar Yadav, son of Late Jai Kishore Prasad Yadav resident
of village-Gagaidaspur, P.O. +P.S. Nathnagar, District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Rural Development,
Government of Bihar, Patna
2. The District Magistrate, Munger.
3. The District Development Commissioner cum Chief Executive
Officer, Zila Parishad, Munger
4. Jaishankar Prasad Singh @Golu Singh, son of late Upendra Prasad
Singh, resident of Khushwaha Colony P.O. +P.S. Tarapur, District
Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.M.Shabbir Alam, Adv.

For the Respondent/s : Mr. Din Bandhu Singh, G.P.9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 28-09-2015 Heard Mr. S.M. Shabbir Alam, learned counsel for the
petitioner and learned counsel for the State.

The petitioner questions the settlement of the Zila Parishad
Bus Stand at Tarapur in the district of Munger with the private
respondent. The settlement was for the period 2014-15 and has
lapsed on 31.3.2015. According to the petitioner despite the
expiry, the private respondent has been allowed to continue even
thereafter.

The issue that is being raised by Mr. Alam to question the
settlement is that a requirement which is foreign to the normal
procedure was introduced by the respondents to prefer the private

respondent. He submits that although it has never been a practice that the tenderer is required to be present with the bid amount but such was the insistence.

The other ground raised is that the private respondent has a criminal antecedent and yet was granted the settlement.

The order impugned is placed at Annexure-A which is the decision of the Tender Committee and demonstrates that after the bid the participants were directed to show their financial viability and whereas the petitioner failed the private respondent demonstrated as such and thus the bid was drawn in his favour. Paragraph 9 of the counter affidavit further shows that the private respondent deposited the entire bid amount of Rs. 16,60,000/- on 30.6.2014 itself vide receipt No.001366.

In my opinion the issue raised by the petitioner may have invited attention but since the period has lapsed hence presently there is no cause for interference therewith. These are issues which is to be raised by the petitioner at an appropriate stage for a purposeful adjudication. Apparently, the settlement was for the period 1.7.2014 upto 31.3.2015 which period has lapsed. According to the petitioner the private respondent has been allowed to continue even thereafter. In the circumstances the Deputy Development Commissioner would be well advised to

take appropriate but expeditious steps for settlement of the bus stand in question afresh and in accordance with law and by following the lawful procedure.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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