

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20668 of 2014

=====

Bihar Gramin Jagrukta Abhiyan Samiti having its registered office at Madhuya Loka, Ratanpur Bishnupur, P.O. Begusarai, P.S. Muffasil, Dist. Begusarai, being represented through Koushelendra Kumar, Executive Director, Son of Sri Jai Narayan Prasad Singh Residing at Ratanpur, Bishnupur, P.O. Begusarai, P.S. Muffasil, Dist. Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. Bihar State Health Society through its Secretary, Family Welfare Building (Parivar Kalyan Bhawan) Sheikhpura, Patna-14.
3. The Secretary, Health cum Executive officer, Bihar State Health Society, Family Welfare Building (Parivar Kalyan Bhawan) Sheikhpura, Patna 14.
4. The District Magistrate-cum Chairman, District Health Society, Munger
5. The Civil Surgeon-cum Member Secretary, District Health Society, Munger.
6. The Regional Program Manager RPM Unit, Munger.
7. The District Program Coordinator-cum Nodal Officer, (NRC), District Health Society, Munger.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur & Mr. Amit Kumar
Advocates.

For the Respondent/s : Mr. Manoj Kumar Sinha, AC to SC30

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 18-12-2015

Heard the counsel for the petitioner and the State.

The petitioner is the registered organization who was assigned the work of Nutritional Rehabilitation Centre (NRC) by the respondent-Health Society under an agreement. Since the same was not operational as per the specification(s) and requirement(s), notice was given to the petitioner. On certain conditions, the time was extended. Even then the petitioner did not revamp the centre. In such circumstances, invoking clause 7(2) of the agreement he was put on notice and on expiry thereof the

agreement was terminated/cancelled against which the present writ petition has been filed.

Diverse submissions have been made in support of the writ petition. Considering the same the respondent was called upon to file counter affidavit. In para 5 of the supplementary counter affidavit filed on behalf of the respondent no.5, affirmed by District Immunization Officer, Munger, following have been stated :-

“5. That if the petitioner including other applicants apply for a fresh contract after fulfilling all the requirement, the case of the petitioner may be considered in accordance with rule and regulation of State Health Society, Bihar, Patna.”

It, thus, appears that the cancellation has not been treated as a stigma disentitling the petitioner from applying afresh.

Considering the above, the writ application is disposed of without interfering with the impugned order.

(Kishore Kumar Mandal, J)

Shyam/-

U			
---	--	--	--