

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7666 of 2016

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1. Kiran Verma, Wife of Suman Kumar, Resident of Gupta Colony Sareya Ward
No.11. P.S. & District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Gopalganj.
3. The District Magistrate-cum-Chairman Selection Committee, Gopalganj,
District- Gopalganj.
4. The District Programme Officer, mid day meal Scheme-cum-Member Secretary
Selection Committee, Gopalganj.
5. The District Transport Officer, Gopalganj.
6. The District Static Officer-cum- Membe, Gopalganj.
7. The District Account Officer-cum- Member, Gopalganj.
8. The District Account Officer-cum- Special Member, Gopalganj.
9. The Commercial Deputy Commissioner-cum- Special Member, Gopalganj.
10. The Additional Collector (Department Inquiry) cum- Member, Gopalganj.
11. Abhishek Kumar Singh, son of not known, Resident of Village- Sareya, P.S. +
District - Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Adv.

For the Respondent/s : Mr. Anil Kumar Sinha, G.A.9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 12-05-2016

The petitioner is aggrieved by the selection undertaken by the respondents in relation to allotment of contract for transportation of food from the godown of State Food Corporation to the respective schools under the Mid Day Meal Scheme in so far as the Gopalganj Block in the District of Gopalganj is concerned.

Mr. Ranjan Kumar Srivastava learned counsel for the petitioner with reference to the advertisement present at Annexure-1 has submitted that whereas Clause-15 of the advertisement required that



all the applicant should be present with the original papers of the certified copies deposited by them along with their tender, clause 13 further provided that in case the qualification of more than one tenderer for any block is found to be the same then the final decision would be taken on the basis of lottery. It is next with reference to the proceedings of the Selection Committee present at Annexure-2 with particular reference to paragraph 13 which relates to Gopalganj Block is concerned, submitted that although it has been stated that there was a tie in between the petitioner and the private respondent No.11 and which has been resolved by a lottery but this equality of qualification as determined by the Selection Committee is not correct. According to Mr. Srivastava the discussion on the qualifications of the respective tenderers present at Annexure-3 clearly shows that whereas the petitioner whose names appears at item No.1 of the Gopalganj Block specifically mentions that she has produced original papers of the vehicles, the name of the contestant Amit Kumar Choubey appearing at Serial No.4 shows that he was not in possession of the original papers but has been selected. He thus submits that even when the qualification of the petitioner and the private respondent was not the same yet they have been treated as such.

Learned counsel for the State has invited the attention of this Court towards proceedings of the Selection Committee at Annexure-2

to submit that since most of the tenderers were not in possession of the original papers hence it was collectively decided by the Committee to waive of the requirement of production of original papers.

I have heard learned counsel for the parties and I have perused the records.

Apart from the fact that the decision taken by the Selection Committee to waive of the requirement of production of the original papers does not appear unreasonable even otherwise that the proceedings of the Selection Committee does not record any objection raised by the petitioner on the lottery so undertaken, she having lost in the lottery, cannot be permitted to turn around to question the selection.

The writ petition is disposed of.

(Jyoti Saran, J)

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