

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5235 of 2012

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Pradeep Kumar Son of Late Dinesh Ghosh Resident of Mohalla- Mundichak, House
No. 96, P.S.- Tilkamanjhi, District - Bhagalpur

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Bhagalpur
2. The District Magistrate, Bhagalpur
3. The Civil Surgeon-Cum-Chairman, Patient Welfare Committee, Sadar Hospital,
Bhagalpur
4. The Incharge Medical Officer-Cum-Secretary, Patient Welfare Committee, Sadar
Hospital, Bhagalpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. RANJAN KUMAR JHA

For the Respondent/s : Mr. PRASHANT PRATAP GP6

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-06-2016

Heard learned counsel for the petitioner and learned counsel
for the respondents.

2. The present writ petition has been filed for quashing memo
no. 94 (Estt.) dated 29.09.2012, issued under the signature of the
District Magistrate, Bhagalpur whereby and whereunder the tender
issued in favour of the petitioner after finalization of the technical and
price bid has been cancelled.

3. At the very outset learned counsel for the respondents
raises a preliminary objection on grounds of non-maintainability of the
writ petition. He invites attention to the articles of agreement between
the parties dated 09.12.2011 (Annexure-2 to the I.A. No. 2988 of 2012)

according to the terms of which, the contract was initially for the period from 09.12.2011 to 08.12.2012 which has since elapsed. There is also no material on record to show that the contract was extended on the basis of performance evaluation. It is therefore, submitted that the writ petition has become infructuous. It is further submitted that the petitioner also has no cause of action in view of clear statement made in para 8 of the counter affidavit to the following effect :-

“8. it is relevant to mention here that the petitioner’s offer was the lowest @ Rs. 150/- per hour and from beginning till date the petitioner is giving his duty under Loknayak Jayprakash Narayan Sadar Hospital, Bhagalpur with the satisfaction of the authority concerned and service is being provided without any interruption or breakage and there is no any public complain.”

4. The above facts have not been disputed by the petitioner as no rejoinder has also been filed to the counter affidavit.

5. In the above view of the matter, the writ petition stands dismissed.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	11.07.2016
Transmission Date	-