

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9536 of 2012

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M/S IGE Medical Systems through Proprietor, Rakesh Kumar, S/o Late Mahangu Singh, having its registered office at Gala No. 11, First Floor, Saphalaya Industrial Estate, Plot No. 18, Survey No. 126/P, Amli Silvassa-396230 (U.T.), Dadra & Nagar Haveli, having Branch Office At 703-Jagat Trade Centre , VIIth Floor, Fraser Road, P.S.-Kotwali, District -Patna

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Health, Government of Bihar, Patna,
2. The State Health Society through its Executive Director
3. The Executive Director, the State Health Society
4. The Administrative Officer, the State Health Society, Bihar.
5. The Incharge Radiology & Pathology, the State Health Society, Bihar

All at Parivar Kalyan Bhawan, Sheikhpura, Patna-800014

.... Respondents

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Appearance:

For the Petitioner	: Mr. Shrawan Kumar, Sr. Advocate Mr. Dinesh Maharaj, Advocate
For the State	: Mr. Subodh Kr. Barnawal, AC to GA 7
For State Health Society	: Mr. Satyavrat Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-08-2016

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

2. The writ petition has been filed for quashing the letter dated 05.01.2012 (Annexure-8) and the letter dated 19.04.2012 (Annexure-12 series) by which the respondent State Health Society has informed the petitioner that the appointment of a sub-contractor by the petitioner required prior approval of the respondent Society in terms of Clause 1.11 of the Agreement dated 26.02.2009 (Annexure-13) and has called for a clarification in that regard from the petitioner.

3. Mr. Shravan Kumar, learned senior counsel for the

petitioner, submits that a bare perusal of Clause 1.11 of the said Agreement discloses that nothing therein indicates any need for prior approval from the respondent Society for a sub-contractor to be engaged/appointed by the petitioner.

4. Be that as it may, this Court is of the view that by the impugned letter dated 19.04.2012, the respondent-Society has done no more than to seek clarification from the petitioner and has not indicated any action proposed to be taken by it. In that view of the matter, the present writ petition appears premature, more so when the petitioner does not appear to have furnished its clarification pursuant to the aforesaid letter dated 19.04.2012.

5. Mr. Shrawan Kumar then invites attention to the letter dated 23.04.2012 (Annexure-17 series) which indicates that one of the petitioner's sub-contractors has been forced by the respondent-Society to close its X-Ray Centre. However, such action has not been challenged in the present writ petition.

6. The writ petition therefore stands dismissed as premature, with liberty to the petitioner to approach this Court afresh against any action taken by the respondent pursuant to Clause 1.11 of the Agreement aforesaid, if so advised.

B.T/-Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.08.2016
Transmission Date	N.A.