

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3867 of 2014

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Shesh Nath Sah, S/O Jayee Sah, Resident of Village-Beli, P.S. - Ramnagar, District
West Champaran

.... Petitioner

Versus

1. The State of Bihar through Secretary, Department of Road Construction, Bihar, Patna
2. The Special Secretary, Water Resources Department, Govt. of Bihar, Patna
3. The Chief Engineer, Water Resources Department, Balmikinagar, Camp Motihari
4. The Superintending Engineer, Tirhut Canal Circle, Bettiah
5. The Executive Engineer, Water Resources Department, Sone Canal Division Ramnagar, West Champaran
6. Narendra Mishra, S/O Late Mangal Mishra, resident of Mohalla - Jagdamba Nagar, Banswaria, Bettiah, District - West Champaran
7. Rajesh Kumar S/O Sri Keshwar Prasad, N.P.C.C. Colony Balmikinagar, West Champaran

.... Respondents

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Appearance :

For the Petitioner : Mr. R. S. Sahay,
Mr. Binod Kumar Yadav, Advocates
For the Respondents: Mrs. Binita Singh, GP 31

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-01-2016

The present writ petition has been filed for restraining the respondents from committing illegality in the matter of allotting works under contract meant for Class-4 Contractors.

2. Learned counsel for the petitioner submits that despite the Department's Notification No. 3589 (S) dated 13.12.2011 (Annexure-2) restricting allotment of work upto Rs.25,00,000/- to Class-4 Contractors only, the works under NIT No. 04/2011-12 dated 05.01.2012 have been illegally allotted to respondent nos. 6 and 7 who are Class-3 Contractors, thereby causing serious prejudice to the

petitioner being Class-4 Contractor.

3. A perusal of the aforesaid NIT dated 05.01.2012, however, discloses that the works were required to be completed on 20.03.2012 and 10.03.2012 respectively, which dates have now elapsed. It is not in dispute that the concerned works have now been completed.

4. In the above view of the matter, therefore, the writ petition has now become infructuous and no relief can be granted to the petitioner at this belated stage. It is however expected that the respondents will have regard to the Rules, Regulations and Procedures relevant for the purpose of awarding works under tenders, as may be, while awarding works in future.

5. The writ petition stands disposed of.

(Vikash Jain, J)

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