

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16410 of 2015

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Ram Ayodhya Prasad, Son of Jagarnath Prasad, Resident of Village- Balra, P.O. -
Hasanpur Mathiya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Food Consumer Protection Department, Government of Bihar, Patna.
3. The Principal Secretary, Transport Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Saran, Chapra.
5. Bihar State Food and Civil Supply Corporation Ltd. through its Managing Director, Sone Bhawan, Birchand Patel Marg, Patna.
6. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd. Sone Bhawan, Birchand Patel Marg, Patna.
7. The District Magistrate -cum- Chairman, District Transport Committee, Gopalganj.
8. The District Transport Officer, Gopalganj.
9. The District Manager, National Food Corporation Nigam, Gopalganj.
10. The Deputy Development Commissioner, Gopalganj,
11. The Additional Collector, Gopalganj.
12. Sri Umesh Kumar Singh, Son of not known, resident of village- not known, District- Gopalganj.
13. Sri Dinesh Kumar Singh, Son of not known, Resident of Village- Not known, District- Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Srivastava, Advocate Dr. Sumant Bhardwaj, Advocate Ms. Rajni Gandha, Advocate
For the Respondent- State	:	Mr. Prabhat Bharti, AC to GP-23
For the Respondent-BSFC	:	Mr. Shailendra Kumar Singh, Advocate
For Respondent Nos.12 & 13 ;	:	Mr. Ashish Giri, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 12-07-2016

Heard Mr. Ranjan Kumar Srivastava, learned counsel
appearing for the petitioner, Mr. Prabhat Bharti, learned Assisting
Counsel to Government Pleader No.23 for the State, Mr. Shailendra
Kumar Singh, learned counsel appearing for the Bihar State Food

and Civil Supplies Corporation and Mr. Ashish Giri, learned counsel appearing for the private respondent nos.12 and 13.

The petitioner prays for issuance of a writ in the nature of certiorari for quashing the decision taken by the Tender Committee headed by the District Magistrate cum Chairman, District Transport Committee, Gopalganj bearing Memo no.1277 dated 7.9.2015, a copy of which is impugned at Annexure-9 to the writ petition, whereby the technical bid of the petitioner has been rejected.

Mr. Giri, learned counsel appearing for the private respondents questions the maintainability of the writ petition, inter alia, on grounds that the matter having progressed and the financial bid having taken place in which the private respondents have been awarded the contract, on 6.10.2015 vide Annexure-R/1 series, the same having not been questioned by the petitioner either on the decision of the financial bid or on the execution of contract, the writ petition has been rendered infructuous. He also questions the bonafides of the petitioner on non-disclosure of complete facts.

A copy of the proceedings of the District Transport Committee is impugned at Annexure-9 and paragraph 14 of the proceedings at page 40 would reflect that while the papers submitted by the private respondents were found in order, the petitioner has defaulted on several counts inasmuch as while the

owner-books of the two vehicles were not available except sale letter, the tax token of three vehicles, insurance of two vehicles, road permit of 9 vehicles, fitness of four vehicles and the pollution certificate of 7 vehicles were found wanting.

Again Mr. Srivastava though questions the decision on merits but there is nothing on record to contest the position. In fact the counter affidavit confirms this position and in the nature of the discussion found in the proceedings of the District Transport Committee to disqualify the petitioner, I find no reason to interfere therewith. Apart therefrom the very fact that the petitioner has not chosen to question the award of contract, the writ petition itself has lost its force.

Neither on maintainability nor on merits does the writ petition warrants indulgence and is dismissed accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2016
Transmission Date	NA