

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14165 of 2016

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Baidyanath Singh s/o Late Ganour Singh, resident of Village:- Gavsara, P.S-
Chadhua, P.S. Kurhani Dist:- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Home Commissioner, Home (Jail) Department, Bihar, Patna.
3. The Inspector, General, Jail, Bihar, Patna.
4. The District Magistrate-Cum- Chairman, District Jail Purchase Committee,
Muzaffarpur.
5. The Jail Superintendent, Shahid Khudiram Bose, Central Jail, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Nityanand Mr. Satish Kr. Sinha, Advocates
For the State	:	Mr. Md. Nadeem Seraj-GP5

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL JUDGMENT

Date: 08-09-2016

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

It is pointed out by learned counsel for the State that
the fresh tender notice has already been issued which has been
opened on 22.8.2016.

The fact is admitted that the financial bids have been
opened and the bidder has been selected although it is the case of the
petitioner that the agreement has not been executed and therefore, no
third party right has as yet come into being.

From a perusal of the pleadings in the writ petition, it

is evident that the petitioner became aware of the decision to cancel the previous tender in which he was the selected bidder and go for a re-tender by order dated 23.4.2016 and immediately thereafter he has filed a representation on 26.4.2016, yet the petitioner did not choose to act expeditiously in the matter and kept waiting endlessly for the representation to be decided.

In the aforesaid circumstances, when the petitioner has allowed the fresh tender notice to be issued and to be finalized, I do not find any reason to interfere in the matter. It has been held in a catena of decisions of this Court and of the Supreme Court that in certain matters such as the present one, a delay of even a few weeks may amount to gross delay and defeat the rights of the party. I am of the view that the present matter is under that category.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

S.Pandey/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.09.2016
Transmission Date	