

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20927 of 2014

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Samarjit Singh, Son of Late Raj Kishore Singh, R/o Village + P.O. Bandwar, P.S. Nima Chandpura, District Begusarai

.... Petitioner/s

Versus

1. State Bank of India having its Head Office at State Bank Bhawan Madame Cama Road, Nariman Point Mumbai (Maharashtra) through its Chairman
2. State Bank of India, Regional Business Office, Begusarai
3. Chief Manager (Administration) State Bank of India, Regional Business Office, Begusarai
4. Branch manager, State Bank of India, Bandwar Branch, District Begusarai
5. Niti Nayan Wife of Sri Kamal Nayan Pathak R/o Village+ P.O. Bandwar, P.S. Nima Chandpura, District Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Prasad, Adv.
Mr. Akash Chaturvedi, Adv.
Mr. Abhisekh Singh, Adv.
For the Bank : Mr. Kaushlendra Kumar Sinha
For the Resp. No. 5 : Mr. Kundan Kumar Sinha, Adv.
Mr. Chitranjan Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-02-2016

Heard learned counsel for the petitioner and the respondents.

2. The present writ petition has been filed for quashing the decision as contained in letter dated 24.06.2014 issued by the Branch Manager, State Bank of India, Bandwar Branch, Begusarai.

3. Learned counsel for the petitioner submits that the action of the respondents lacks good faith and is arbitrary. Pursuant to the Bank's direction dated 26.05.2014 to install D.G. Set within 15 days the petitioner started preparation but subsequently by letter dated 24.06.2014 the petitioner was

informed that the said work given to the petitioner had to be cancelled and the work was to be re-tendered. A fresh tender was issued the next day on 25.06.2014 which however was also cancelled, followed by a third tender dated 04.10.2014, this time for installation of 15 KVA Generator Set, only to be cancelled yet again. It is further submitted that cancellation of the work order without grant of opportunity to the petitioner and without assigning any reasons is arbitrary and illegal. It is claimed that the fresh tenders are being issued only with a view to oust the petitioner in favour of respondent no. 5.

4. Having heard learned counsel for the petitioner, this Court does not find any merit in the writ petition. It is not in dispute that after the first work order was cancelled, the petitioner participated in the second and third tender without demur. Having so participated, it is not open for the petitioner at this belated stage to turn around and question the decision in the impugned letter dated 24.06.2014 for cancellation of the work order. The petitioner's stand that repeated tenders are being issued only to favour the respondent no. 5 cannot also be accepted, as admittedly the process for the second and third tenders were aborted even before the relevant tenders were opened and hence the respective bids of the contesting parties was not known.

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

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