

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22287 of 2014

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Dhanesh Sharma, son of Lalji Prasad Singh, Resident of village- Abbu pur,
Lodipur, P.S.- Janipur, district-Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna.
2. The Secretary, Animal and Fisheries Resources Department, Govt. of Bihar, Patna.
3. The Director, Animal Husbandry, Govt. of Bihar, Patna.
4. The Director, Institute of Animal Health and Production, Bihar, Patna.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 8323 of 2016

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Vikash Chandra Guddu Baba, S/o Late Ramashraya Prasad Singh, Presently
residing at Mahatma Gandhi Path, Kurji - Baluper, P.O. Sadakat Ashram, P.S.
Digha, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary.
2. The Principal Secretary, Animal Husbandry & Fisheries Department, Govt. of Bihar, Patna.
3. The Director, Animal Husbandry & Fisheries Department, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

(In CWJC No.22287 of 2014)

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Respondent/s : Mr. P. K. Verma, AAG-3

Mr. Saroj Kumar Sharma, AC to AAG-3

Dr. Mankeshwar Tiwari, AC to AAG-3

(In CWJC No.8323 of 2016)

For the Petitioner/s : Mr. Vikash Chandra Guddu Baba (in person)

For the Respondent/s : Mr. Chittranjan Sinha, PAAG.-2

Mr. Niraj Kumar Sinha, AC to PAAG-2

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 15-12-2016



The petitioners have invoked the writ jurisdiction of this Court in public interest for a direction to the respondents to start production from the “Bacterial Vaccine Production Plant” installed in the Institute of Animal Health and Production, Bihar.

In the counter affidavit filed, it was stated that a contract was given to M/s J. H. Bio Innovation Pvt. Ltd. for installation and commissioning of Bacterial Vaccine Production Plant in March, 2013, but the tender was cancelled on account of irregularities and illegalities committed. The Company challenged the cancellation of tender by way of writ application before this Court. This Court remitted the matter to the Principal Secretary, Animal Husbandry Fisheries Department, Bihar to examine the issue, verify the facts and take a decision and act accordingly by recording a reasoned and speaking order. It is thereafter, the claim of the Company was rejected on 21st December, 2015 finding irregularities and illegalities in the tender process. It is, thus, pointed out that it is not possible to make payment to the Company in question or possible to purchase a new machine for the plant through fresh tender as no fund is available for the same. It is also pointed out that as per the Policy Statement of the State, Animal Vaccines will not be produced from the Animal Health and Production Institute of Patna as this Institute will now do the research work for the development of next generation



vaccines. It has also been pointed out that the Institute is proposed to be transferred to the Bihar Veterinary University for which *Bihar Pasu Vishwa Vidyalaya Adhiniyam*, 2016 has been enacted.

We do not find that the petitioners are entitled to seek a direction that the vaccines must be produced by the Institute. It is a policy decision as to whether vaccine is to be produced from the Institute in question or it has to be used for the purpose of research for which the said Act has been enacted for development of live stocks. Since the matter pertains to the policy decision in respect of use of the Institute, we do not find that any direction can be given to use the Institute in a particular manner.

In view of the said fact, we do not find any merit in the present writ petitions. The same are, thus, dismissed.

(Hemant Gupta, ACJ)

(Arvind Srivastava, J)

Sunil

AFR/NAFR	A. F. R.
CAV DATE	N. A.
Uploading Date	16.12.2016
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