

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8680 of 2014

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Rakesh Kumar, S/o Nand Kishore Prasad, Resident of Sugauli, P.S. - Sugauli,
District- East Champaran

.... Petitioner

Versus

1. The State of Bihar, through the District Magistrate, Motihari
2. The District Magistrate, Motihari
3. Bihar State Food & Civil Supply Corporation Ltd., Sone Bhawan, 5th Floor, Bir Chand Patel Path, Patna- 800 001 through its Managing Director
4. The Managing Director, Bihar State Food & Civil Supply Corporation Ltd. Sone Bhawan, 5th Floor, Bir Chand Patel Path, Patna- 800 001
5. The Chief of Procurement, Bihar State Food & Civil Supply Corporation Ltd. Sone Bhawan, 5th Floor, Bir Chand Patel Path, Patna- 800 001
6. The District Manager, Bihar State Food & Civil Supply Corporation Ltd., Motihari
7. The Chairman-cum-District Magistrate, District Transport Committee, Bihar State Food & Civil Supply Corporation Ltd., Motihari

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeet Kumar, Advocate

For the Respondents: Mr. Sumant Kr. Singh, AC to GA 3

For the BSFC : Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-02-2016

The present writ petition has been filed for quashing of the tender notice dated 15.04.2014 issued by the Bihar State Food & Civil Supply Corporation Ltd., Sone Bhawan, 5th Floor, Bir Chand Path, Patna 800 001, so far as it relates for revenue district of Motihari, by which tender has been invited for appointment of Transport-cum-Handling Agent for the revenue District of Motihari.

2. Learned counsel for the petitioner submits that the petitioner as well as one Mahendra Prasad have been appointed as Transport - cum - Handling Agents for the revenue District

of Motihari, soon after which the impugned tender notice dated 15.04.2014 was issued leading to apprehensions in their minds. The aforesaid Mahendra Prasad approached this Court in CWJC No. 8067 of 2014 which was disposed of in the following terms by order dated 16.05.2014 :

“Learned senior counsel for the respondent-Corporation submits that there was absolutely no reason for the petitioner to have come to this Court or feel any apprehension as earlier three Transport-cum-Handling agents were working in the said district and since only two have been appointed as per the earlier tender process hence, the present tender notice has been issued after the appointment of the petitioner and another person in that capacity for a period of three years. It is submitted that agreement has already been entered into with the petitioner and the work order has been issued.

Learned counsel for the petitioner submits that the petitioner became apprehensive because no work was being allotted by the concerned District Manager, State Food Corporation, Motihari and that is why he has come to this Court.

In view of the aforesaid statement by learned senior counsel that the attempt was not to nullify the earlier tender process in which the petitioner and another person were appointed, rather to appoint one more Transport-cum-Handling agent considering the quantum of work involved, this Court disposes of the writ application.”

3. The facts and circumstances of the above case being almost identical to the facts of the instant case, the present writ petition is also disposed of in the same terms as the order dated 16.05.2014 passed in CWJC No. 8067 of 2014.

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(Vikash Jain, J)