

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7825 of 2016

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Mufari Kumar Yadav, Son of Sri Chandra Sekhar Prasad Yadav, Resident of Hanumangari, Sareya Ward No. 6, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Gopalganj.
3. The District Magistrate -cum- Chairman, Contractor Selection Committee, Gopalganj, District – Gopalganj.
4. The District Programme Officer, Mid Day Meal Scheme -cum- Member Secretary, Selection Committee, Gopalganj.
5. The District Transport Officer, Gopalganj.
6. The District Static Officer -cum- Member, Gopalganj.
7. The District Education officer -cum- Member, Gopalganj.
8. The District Account Officer -cum- Special Member, Gopalganj.
9. The Commercial Deputy Commissioner -cum- Special Member, Gopalganj.
10. The Additional Collector (Departmental Inquiry) -cum - Member, Gopalganj
11. Sanjeev Kumar Singh, son of Sri Anil Kumar Singh, Resident of village - Dewapur, District – Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava
For the Respondent/s : Mr. Subhash Pd. Singh, GA-7
Mr. Dilip Kumar, AC to GA-7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 13-05-2016

Heard the parties.

The petitioner participated in the selection process for transportation of food under the Mid-day Meal scheme. Amongst the participants, the qualification of the petitioner and the private respondent was found to be same except that the private respondent did not produce the original papers but which condition as stipulated in the advertisement was relaxed by the Selection Committee discussing the circumstances for the same. Since the private

respondent and the petitioner were found equal on qualification hence lottery was carried out. In lottery the private respondent succeeded. The petitioner being aggrieved is before this Court questioning the relaxation.

Having heard learned counsel for the parties and apart from the fact that there is nothing arbitrary in the decision of the Selection Committee to relax the condition of production of original papers in the circumstances discussed, even otherwise the petitioner having participated in the lottery and lost to the private respondent he cannot turn around to question the selection on the principles of waiver and acquiescence. No cause of indulgence is made out. The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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