

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11881 of 2017

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Ang Foundation through trustee Satyajeet Kumar S/o Sri Sadanand Sambudh,
Resident of Village-Tilka Manjhi Shanti, Bhawan Hanuman Path, Tilka Manjhi,
District-Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The State Health Society Bihar through Its Secretary-Cum-Executive Director Parivar Kalyan Bhawan Patna.
3. The Superintending of Jawaharlal Nehru Medical College and Hospital, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Adv.
Mr. Ranjan Kumar Dubey, Adv.
For the Respondent/s : Mr. Nagendra Pd. Yadav-S.C.-23
Mr. Ranvijay Singh, A.C. to S.C.-23.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-10-2017

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

It is a very peculiar matter, the Superintendent of
Jawaharlal Nehru Medical College and Hospital, Bhagalpur,
addressed a letter dated 23.06.2017 to the petitioner, stating that he
is not supplying the food items to the patients in terms of the menu
and after few months he has written a letter dated 23.01.2017, asked
the petitioner to enter into the agreement for extension of period of
contract, accordingly, the period of contract has been extended for



three years, during subsistence of the period of contract vide letter dated 05.07.2017 cancelled the agreement.

In the counter affidavit, it has been stated that the action has been taken on the basis of the inquiry report submitted to the Commissioner, indicating improper and manipulated experience certificate as during inquiry it was found that the petitioner was not holding the proper certificate.

In this case, only grievance has been raised by the petitioner that *ex parte* order has been passed.

In such view of the matter, let the Commissioner, Bhagalpur, hold an inquiry after giving notice to the petitioner with regard to mode and manner of supplying the food items as per menu to the patients as well as the status of certificate which the petitioner has produced for obtaining the contract. If it is found that the petitioner has produced the wrong/false certificate, in such circumstance, the period of extension will not be given effect to in favour of the petitioner inasmuch as if the finding is recorded that food items are not supplied according to the menu, in such circumstance, also the question of extension of period of agreement does not arise. All the exercise should be completed by the Commissioner within a period of three months from the date of receipt/production of a copy of this order.



In the meantime, the petitioner will not be disturbed in supplying food items to the patients.

With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	02.11.2017
Transmission Date	N/A.

