

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6822 of 2016

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1. Mangal Prasad, aged about 52 years, son of late Ramchandra Prasad, resident of Mohalla Paschim Tola, Police Station-Ara Town, District-Bhojpur.
 2. Anjani Kumar Ojha, son of Devendra Ojha, resident of village-Ramsharan, Police Station-Barhara, District-Bhojpur, Ara.
 3. Ashish Kumar Ojha, son of Devendra Ojha, resident of village- Ramsharan, Police Station-Barhara, District- Bhojpur, Ara.

.... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Government of Bihar, Patna.
3. The Director, Mid Day Meal Project, Bihar, Patna.
4. The District Magistrate, Ara.
5. The District Education Officer, Ara.
6. The District Programme Officer, Mid Day Meal Project, Bhojpur, Ara, Government of Bihar.
7. Arvind Kumar Srivastava, son of not known to the petitioner, contractor for Mid Day Meal Programme udwantnagar Block, Bhojpur, Ara, resident of Snakat Mochan Colony, Police Station-New Police Line, Ara.
8. Amrendra Kumar Tripathy, contractor Mid Day Meal Programme, Barhara Block, Bhojpur Ara, son of not known to the petitioner, resident of village and Police Station-Barhara, District-Bhojpur Ara.
9. Braj Kishore Singh, Contractor at Jagdishpur Block, Bhojpur Ara, son of not known to the petitioner, resident of village- Chativat, Police Station Bihia, District-Bhojpur, Ara.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv.
Mr. A.K. Karna, Adv.

For the Respondent/s : Mr. N.H. KHAN- S.C.-01
Md. Naushaduzzaha, A.C. to S.C.-1

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY



ORAL JUDGMENT

Date: 17-04-2017

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

2. In this case, the petitioners are challenging the office order containing Memo No.647 dated 05.12.2015 to the extent of awarding contract for Mid Day Meal in the block of Udawantnagar, Barhara, Jagdishpur to the private respondents having made allegation of collusiveness and *mala fide* in selection process.

3. The period of contract has come to an end on 31st December, 2016 and as such the petition has rendered infructuous, but the learned counsel for the petitioner submits that the whole action is arbitrary, not sustainable in law, which could have been shown before this Court. However, as the period is over, there is no question to unravel mystery of selection of contractors. The apprehension of the petitioners is that though the period is over, but the selected contractors are still continuing the work on the basis of same work order.

4. In such view of the matter, this Court is of the view that the period of the contract is over, the respondents are directed to embark fresh process of selection of contractors for the purposes



of distribution of Mid Day Meal. On publication of fresh N.I.T., the petitioners will be at liberty to participate in the bid and the case of these petitioners will be considered as per the merit.

5. 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	19.04.2017
Transmission Date	N/A.

