

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6810 of 2017

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Hafij Miyan son of Khalil Miyan resident of village - Giradhar Parsa, P.O. - Bhagwat Parsa, Circle - Phulwaria, P.S. - Phulwaria, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Directorate of Mid Day Meal Scheme, Department of Education, Government of Bihar, Patna.
4. The District Magistrate, Gopalganj.
5. The District Programme Officer, Gopalganj.

----- Respondent 1st Set

6. The Bihar Mid Day Meal Scheme Society, Gopalganj through its Member Secretary-cum-District Programme Officer, Gopalganj.
7. The District Magistrate-cum-Chairman, Contractors Selection Committee, Gopalganj.
8. The Member Secretary-cum-District Programme Officer, the Bihar Midday Meal Scheme Society, Gopalganj.

----- Respondent 2nd Set

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5
For the Respondent/s : Mr. Prashant Pratap-GP2
For the Mid-Day Meal : Mr. Girijish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-10-2017

Heard learned counsel for the parties.

In the present case, the petitioner has challenged the action of the respondents in refusing to open the bid document submitted by the petitioner for the Block Kateya for appointment of Contractor in connection with Mid Day Meal.

During pendency of the case, a fresh tender was invited, the petitioner himself participated in the tender and one Daya



Shankar Mishra has been selected.

In that view of the matter, when the petitioner has participated in the second tender and tried his luck and when he has been declared unsuccessful, he cannot turn around and challenge the tender/bid before any court of law.

Accordingly, the writ application does not survive and the same is dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.10.2017
Transmission Date	NA

