

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14328 of 2016

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Shivani Enterprises through its Proprietor Amarnath S/o Late Ramchandra Mistry,
resident of East of Makhania Kuan, Attachakki Gali, P.S. Pirbahore, District –
Patna. Petitioner/s

Versus

1. The State of Bihar through the Principal Health Secretary having his office at
Vikas Bhawan, P.S. Sachivalya, District Patna
 2. The Director in Chief, Health Department having his office at Vikas Bhawan,
P.S. Sachivalya, District Patna, District Patna
 3. The Superintendent, Darbhanga Medical College and Hospital, Laheriasarai,
Darbhanga. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Vikas Mohan and Mukeshwar Dayal
For the Respondent/s : Mr. Ajay Behari Sinha-GA8
Mr. Neeraj Raj, AC to GA-8

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-01-2017

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

In this case, the petitioner is challenging the notice
dated 10.08.2016 published in the Daily Hindi Newspaper for
appointing the Contractor for cleaning, trolley and sanitation purposes
in Darbhanga Medical College Hospital, Laheriasarai.

The petitioner being a successful L-1 bidder in auction,
was earlier appointed as Contractor for cleaning, sanitation and
trolley purposes, but after five years, the authority has decided to go
for fresh selection of Contractor.

The counsel for the petitioner submits that there is a
provision in the agreement that if the work is found to be



satisfactory, the period of contract could be extended. He further submits that earlier the period was extended, but this action is discretionary exercise of power of the Management and the Court cannot compel the Management to extend the period of contract which has already expired but it is Management has to decide about exercise of discretion.

The counsel for the petitioner submits that the petitioner has an apprehension that his case will not be taken into consideration and as such he has approached this Court.

The counsel for the State submits that the work of the petitioner was not found satisfactory and that is the reason for the Authority to go for fresh selection of Contractor.

If petitioner is one of the Contender, his matter will be taken into consideration in accordance with law on its merit.

This Court is not giving any opinion on the merit of the case and any observation made in this order either in favour of petitioner or to the respondent will not be taken into consideration.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.01.2017
Transmission Date	

