

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1656 of 2016

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1. Yugal Kishore Prasad, son of Late Girija Nandan Prasad, resident of Village-
Manger Bigha, P.S. & District- Nawada.
2. Arvind Kumar, son of Late Ram Chandra Prasad, resident of Mohalla- New
Area, Rajendra Nagar, P.S. & District- Nawada.
3. Bhagwan Das Gupta, son of Late Lakhan Prasad, resident of Mohalla- Main
Road, Fal Gali, P.S. & District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Inspector General, Prison, Bihar, Patna.
3. The District Magistrate, Nawada.
4. The Additional District Magistrate, Nawada.
5. The General Manager, Industrial Centre, Nawada.
6. The Senior Deputy Collector, Nawada.
7. District Accounts Officer, Nawada cum member (Jail Purchasing Committee),
Nawada.
8. The Jail Superintendent, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the State : Mr. Dhurjati Kumar Prasad- GP-14

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-02-2017

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

In the present writ petition, the petitioner has raised the
following reliefs:

- (i) Setting aside the proceeding of the Central Purchasing
Committee as held on 10.10.2013 for the financial year
2013-14 as contained in memo no. Kara/Kara-02 08/13-
5085 Patna dated 10.10.13 upon which basis to approve



the rates of different commodities have been finalized and accordingly a direction has been given to make payment.

- (ii) Further commanding the respondent authorities to follow the provision of Bihar Jail Manual and make payment of supplied articles accordingly.
- (iii) Grant of any other incidental or consequential reliefs or consequential reliefs or reliefs for which the petitioner can be found entitled for.

Learned counsel for the petitioner submits that the issue has already been settled by this Court in C.W.J.C. No. 66 of 2013 (Tanujaa Kumari v. The State of Bihar & Ors.) and there the Court has held that the Central Purchase Committee has its own area or operation and District Purchase Committee led by the District Magistrate has its own area and the Central Purchase Committee cannot take over the work of the District Purchase Committee and held that if the District Purchase Committee has fixed the rate of supply he cannot be deprived of the rate which is fixed by the District Purchase Committee even though the Central Purchase Committee has reduced the rate.

This case is squarely covered by the aforesaid judgment and petitioner is entitled to the same benefit as has been given to those persons. Accordingly the petitioner would be entitled for



the benefit in terms of the rate fixed by the District Purchase Committee after adjusting the amount already paid to them.

The Inspector General of Prison, Nawada is directed to release the fund. All process should be completed within three months from the date of receipt/production of a copy of this order.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.2.2017
Transmission Date	NA

