

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8224 of 2017

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1. Harshvardhan, Son of- Prakash Kumar Chandra, resident of Mohalla- Bind Toli Sekhpura, P.O.- B.V. Colony, P.S.- Shastri Nagar, District- Patna.
 2. Santript Chandra Mehta, Son of - Manik Chandra Mehta, resident of Village- Asha Nagar, Sangatpur, P.O. + P.S.- Sohsarai, District- Nalanda, Pin- 803118.
 3. Ranjeet Kumar, Son of Late - Arun Kumar, resident of Village - Patel Nagar, P.O.+ P.S. - Sohsarai, District- Nalanda, Pin- 803118.

.... Petitioners

Versus

1. The Food and Consumer Protection Department through the Principal Secretary, Government of Bihar, Patna.
2. The State of Bihar through District Magistrate, District- Vaishali (Hajipur).
3. The Bihar State Food and Civil Supplies Corporation Limited through its M.D., Bihar at Patna.
4. The Chairman-cum-Collector, District Transport Committee, Vaishali (Hajipur), District- Vaishali.
5. The District Manager, Bihar State Food and Civil Supply Corporation, Vaishali, District- Vaishali (Hajipur).
6. The Chief of Finance, Bihar State Food and Civil Supplies Corporation Limited, Bihar at Patna.
7. Jyoti Kumar Sinha, Son of Arun Kumar Singh, Resident of Village- Barahi, P.O. Bidupur R.S. , P.S. Rajapakar Karauti O.P., District - Vaishali.
8. Kundan Kumar Son of Sajjandhari Singh Resident of Village- Ramdauli, P.O + P.S.- Bidupur Bazar, District - Bazar.
9. Abhineet Kumar, son of Jitendra Prasad Singh, Resident of Village- Ramdauli, P.O +P.S.- Bidupur Bazar, District - Vaishali
10. Dinesh Rai, son of Late Nathu Rai, Resident of Village + P.O. +P.S. - Mahua, District Vaishali.
11. Pankaj Kumar son of Shiv Mangal Singh resident of Village- Parmanandpur, P.O. Purkhauli, P.S. Lalganj, District Vaishali.
12. Manoj Kumar, son of Jitu Bhagat resident of Village +P.O. - Kutubpur Saidpur, P.S.- Bidupur, District - Vaishali.

.... Respondents

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Appearance :

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| For the Petitioners | : Mr. P.K. Shahi, Sr. Advocate
Mr. Sumeet Kumar Singh
Mr. Satyendra Pd. Singh,
Mr. Abhiprav Singh, Advocates |
| For the Respondents | : Mr. S. Raza Ahmad, AAG 5
Mr. Alok Ranjan, AC to AAG 5 |
| For the BSFC | : Mr. Mayank Shekhar, Advocate |

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT



Date: 14-11-2017

Heard Mr. P.K. Shahi, learned senior counsel for the petitioners; Mr. Alok Ranjan, learned Assistant Counsel to Additional Advocate General No. 5 for the State; as well as Mr. Mayank Shekhar, learned counsel for the respondent-Corporation.

2. I.A. No. 7884 of 2017 has been filed for amendment of the relief portion in the writ petition by adding the following prayer:

“(iv) That the present writ petition is being filed in the nature of certiorari for setting aside the tender inviting application for Door Step Delivery Agent-cum-Transporter in the District of Vaishali (Annexure-13 and 14) till 15.11.2017; on the ground that the petitioner no. 1 has been working in a proper manner, the petitioner no. 3 has been stopped work without any show cause etc.”

Having regard to the nature of the prayers, the interlocutory application is allowed and the same will form part of the writ petition.

3. At the very outset, learned counsel for the petitioners submits that the present writ petition is confined only to petitioner no. 1, Harshvardhan. It is submitted that there is subsequent development in the case of petitioner nos. 2 and 3, namely, Santripat Chandra Mehta and Ranjeet Kumar and hence, separate writ petitions have been filed by them which are pending.

4. Having regard to the above, the present writ petition



is dismissed as against petitioner nos. 2 and 3, namely, Santripr Chandra Mehta and Ranjeet Kumar, with the observation that the respondents shall be at liberty to raise objection with regard to filing of fresh writ petitions when those matters are taken up for consideration.

It is submitted that the petitioner had been appointed as Door-Step Delivery Transporter for the Bihar State Food & Civil Supplies Corporation Limited (for short, "the Corporation") in terms of the agreement dated 02.06.2016 (Annexure-4) for a period of one year. Subsequently, by letter dated 25.05.2017 (Annexure-9), the District Manager, Corporation informed the Deputy Chief (Transport) that the period of one year in the agreement had been stated inadvertently and erroneously. It was recommended that the said period be treated as three years on the basis of the amount of security deposit made by the petitioner and some other persons. The approval in this behalf was accorded by the Deputy Chief (Transport) in terms of the letter dated 11.07.2017 (Annexure-10).

5. Learned senior counsel for the petitioner submits that fresh bid dated 19.10.2017 (Annexure-13) invited by the respondent-Corporation for the same work during the currency of the agreement with the petitioner which is due to expire in June, 2019 is arbitrary and illegal.

6. Learned counsel for the respondent-Corporation,



however, makes a statement at the Bar that the petitioner need have no apprehension by reason of the fresh bid being invited vide Annexure-13, as the same will not create any impediment for him to continue to discharge his duty under the existing agreement (Annexure-4).

7. Learned counsel for the State submits that continued to discharge of duty by the petitioner as Door-Step Delivery Transporter shall naturally remain subject to the condition that he shall not default the terms and conditions of the agreement.

8. Having regard to the stand of the respondent-Corporation, the writ petition stands disposed of. The interlocutory application bearing I.A. No. 7884 of 2017 also stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.11.2017
Transmission Date	N.A

