

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20530 of 2018

=====

Anil Kumar S/o- Late Ram Chandra Prasad, R/o- Kailash Nagar, P.S.-
Masaurih, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna.
3. The Jail Superintendent, Subsidiary Jail, Masaurih, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Adv.
For the Respondent/s : Mr.Sunil Kumar Mandal -Sc3

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 30-11-2018

The present writ petition has been filed for directing the respondents to permit the petitioner to supply greenery vegetable and other articles in Masaurhi Subsidiary Jail, Patna.

2. The learned counsel for the petitioner has submitted that the Jail Superintendent, Subsidiary Jail, Masaurhi vide letter dated 04.04.2008 had informed the petitioner that he was required to deposit 10% of the value of articles to be supplied as Bank guarantee with the Superintendent, Subsidiary Jail, Masaurhi since the petitioner had taken the contract for supply of the articles mentioned therein for the period 2008 to 31.03.2009. It is further submitted that after the petitioner had submitted the Bank guarantee, the petitioner started supplying goods to the said Subsidiary Jail and had been supplying vegetable and other articles



regularly from 31.07.2015 to 29.06.2017, as is apparent from the letter of the Superintendent, Subsidiary Jail, Masaurhi, annexed as Annexures to the writ petition, showing payment of various sums of money by cheque for the articles supplied by the petitioner herein. Nonetheless, the petitioner was suddenly directed to stop the supply of goods to the Subsidiary Jail, Masaurhi, Patna, without notice, although the work of the petitioner was satisfactory.

3. It is contended by the learned counsel for the petitioner, by referring to paragraph-10 of the writ petition, that though the petitioner had requested the Superintendent of Subsidiary Jail, Masaurhi, Patna to allow the petitioner to supply the goods as per the contract for the financial year 2018-19, but the Jail Superintendent neither allowed the petitioner to supply the goods in Subsidiary Jail, Masaurhi, Patna nor had given any letter for cancellation of the contract, which was made for the financial year 2018-19.

4. At this juncture, this Court had put a question to the learned counsel appearing for the petitioner regarding producing the contract entered into between the petitioner and the Jail Superintendent, Masaurhi, Patna for the year 2018-19, but the learned counsel for the petitioner could not either show the



contract for the year 2018-19 from the documents/ annexures annexed to the writ petition nor could produce the same.

5. I have heard the learned counsel for the parties and considered the submissions made as also perused the materials on record and I find that the petitioner has failed to produce the copy of the contract entered into between him and the Superintendent, Subsidiary Jail, Masaurhi, Patna for the financial year 2018-19, hence the present writ petition, seeking enforcement of a non-existent contract, is misconceived, hence, is dismissed.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.01.2019
Transmission Date	N/A

