

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2692 of 2018

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1. Vivek Kumar Son of Late Tuntun Prasad Jaiswal, Resident of Village- Henery Bazar, Nackched Tola, P.S.Motihari, District- East Champaran.
2. Anil Kumar Singh Son of Nandkishore Singh, Resident of Mathbanwari, P.S.- Pipra Kothi, District- East Champaran.
3. Vinod Kumar Sah Son of Banarsi Sah, Resident of Beldari, Loharpatti, P.S. Mufassil Bettiah, District- West Champaran.
4. Rajendra Prasad Kanaujiya Son of late Yamuna Prasad, Resident of Bhagwati Nagar, P.S. Mufassil Bettiah, District- West Champaran.

.... Petitioners

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Food and Civil Supplies Department, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, West Champaran, Bettiah.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Khoya Bhawan, 4th Floor, Daroga Roy Path, Patna.
5. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. Bettiah, West Champaran.
6. The District Transport Committee, Bettiah, West Champaran through the Bihar State Food and Civil Supplies Corporation Ltd., Bettiah, West Champaran.

.... Respondents

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Appearance :

For the Petitioners	:	Mr. P.K.Shahi, Senior Advocate Mr. Sangeet Deokuliar, Advocate
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate
For the State	:	Mr. ARVIND UJJWAL SC4 Mr. Upendra Pratap Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-03-2018

Heard learned senior counsel for the petitioners as well as
learned counsel for the respondents.

2. The present writ petition has been filed for the following
reliefs –



A. For issuance of writ in the nature of certiorari or any other appropriate writ, order/s, direction/s for:

(i) Quashing the tender notification dated 01.02.2018 published in the local daily Dainik Jagran by the Bihar State Food and Civil Supplies Corporation Ltd., Bettiah, seeking selection/appointment of Transportation-cum-Supply Agent, Door Step Delivery and for calling upon interested candidates to apply for the same, the last date of submitting application of which has been fixed on 07.03.2018.

(ii) Quashing the letter as contained in Memo No. 8478 dated 23.08.2017, issued by the Managing Director, Bihar State Food and Civil Supplies Corporation Ltd, addressed to all District Magistrates of Bihar, along with a list of updated status of appointed transport agents dated 18.08.2017, which shows vacancy of 5 transport agents for door step delivery.

B. For issuance of a writ in the nature of mandamus, or any other appropriate writ, order/s, direction/s commanding the respondent authorities –

(i) To direct the respondent authorities to stay the further process concerned with the Tender Notification dated 01.02.2018, published in the local daily, Dainik Jagran, by the Bihar State Food and Civil Supplies Corporation Ltd., Bettiah.

(ii) To direct the respondent authorities not to take any further step in connection with fresh appointment of Transportation-cum-Handling Agent, Door Step Delivery, till the expiry of the agreements entered into with the petitioners and not to intervene in the functioning of the petitioners which they are discharging in furtherance of the agreements entered into with the Bihar State Food and Civil



Supplies Corporation Ltd, Bettiah.

(iii) To show cause as to on what grounds the respondent authorities issued fresh tender notification dated 01.02.2018 calling upon interested candidates for appointment of Transportation-cum-Handling Agent, Door Step Delivery.

(iv) To pay to the petitioners their dues for which they have raised the bills ad submitted it before the authorities concerned.

C. To grant any other relief/reliefs which your Lordship may deem fit and proper in the facts and circumstances of the case.

3. Mr. P.K. Shahi, learned senior counsel appearing for the petitioners submits that the respondents have acted arbitrarily in issuing the fresh tender for appointment of new Transporting-cum-Handling Agents, considering that the agreement of the petitioners dated 06.04.2017, 03.04.2017, 08.04.2017 and 08.04.2017 respectively entered into with the respondent-Bihar State Food and Civil Supplies Corporation are still valid upto the year 2020 and the petitioners have been working as Transporting-cum-Handling Agents to the satisfaction of the respondents.

4. Learned counsel for the respondent-Corporation, on the other hand, opposes the writ petition, inviting the attention to the advertisement (Annexure-8) itself wherein vacancies of only four Transporting-cum-Handling Agent (Door Step Delivery) are sought to be filled up. It is further stated that the fresh appointments as advertised are required to be filled up for proper and smooth



functioning and such appointments would in no way affect the business of the petitioners provided that the petitioners fulfill the conditions as required in terms of their agreements.

5. Having regard to the stand taken on behalf of the respondent-Corporation, the writ petition stands disposed of.

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(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.03,2018
Transmission Date	NA

