

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15006 of 2017

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1. Umakant Thakur, aged about 51 years, Son of Shri Ram Bilas Thakur Resident of Village - Indragachhi, P.O. - Bhada Murli, P.S. - Sangrampur, District - Muzaffarpur.
2. Jai Prakash, aged about 33 years, Son of Gajendra Dubey, Resident of Village - Parwan Toli, P.O. - Ramna, P.S. - Kazi Mohammadpur, District - Muzaffarpur.
3. Sunil Kumar Sahani, aged about 32 years, Son of Punit Sahani Resident of Village - Thikha Basudevan, P.O. - Motipur, District - Muzaffarpur.
4. Chandan Kumar, aged about 35 years, Son of Subodh Kumar Tiwary, Resident of Village - Thatiya, P.O. - Balaaur, P.S. - Kurhni, District - Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Food and Civil Supply Department, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Muzaffarpur.
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. Muzaffarpur, Chandralok Market, Naya Tola, Muzaffarpur.
6. The District Transport Committee, Muzaffarpur through the Bihar State Food and Civil Supplies Corporation Ltd. Muzaffarpur, Chandralok Market, Naya Tola, Muzaffarpur.

.... Respondents

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Appearance :

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|---------------------|---|------------------------------|
| For the Petitioners | : | Mr. Arun Kumar, Advocate |
| For the Respondents | : | Mr. S. Raza Ahmad -AAG5 |
| | | Mr. Alok Ranjan, AC to AAG 5 |
| For the BSFC | : | Mr. Sanjeev Kumar, Advocate |

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-03-2018

Heard learned counsel for the petitioners, learned Assistant Counsel to Additional Advocate General No. 5 for the State as well learned counsel for the respondent-Corporation.

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



reliefs –

“(a) For issuance of an appropriate Writ in the nature of certiorari quashing the tender notice as published in the daily newspaper namely, “Dainik Jagran” dated 27th of September 2017 by which bids have been invited for appointment/selection of transportation-cum-handling Agents for the district of Muzaffarpur in the State of Bihar under Bihar State Food and Civil Supplies Corporation Ltd.

(b) For issuance of an appropriate writ in the nature of Mandamus commanding the Respondents to produce the decision of the District Transport Committee, Muzaffarpur by which it reached to the conclusion that there are vacancies for appointment/selection of transportation-cum-handling Agents for the district of Muzaffarpur and as such a decision has been taken to issue the present tender notice dated 27th of September 2017 inviting applications for appointment of Transportation-Cum-Handling Agents for the district of Muzaffarpur and after production of the aforesaid decision, a writ in the nature of certiorari be issued quashing the said decision.

(c) For issuance of an appropriate writ in the nature of certiorari quashing the letter as contained in Memo No. 8478 dated 23rd of August 2017 as issued under the signature of the Managing Director of Bihar State Food and Civil Supplies Corporation Ltd. which has been addressed to all the District Magistrate Bihar giving guidelines for appointment/selection of transportation-cum-handling Agents as far as the district of Muzaffarpur is concerned.



(d) For issuance of any other order/orders or relief/reliefs for which the petitioners may be found to be entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioners submits that the petitioners had been appointed as Door-Step Delivery Transporters for the Bihar State Food & Civil Supplies Corporation Limited (for short, “the Corporation”) in terms of the agreement dated 28.10.2016 (Annexure- R/5E of the counter affidavit) for a period of three years. However, fresh bid dated 27.09.2017 (Annexure-1) invited by the respondent-Corporation for the same work during the currency of the agreement with the petitioners which is due to expire in October, 2019 is arbitrary and illegal.

4. Learned counsel for the respondent-Corporation, however, makes a statement at the Bar that the petitioners need have no apprehension by reason of the fresh bid being invited vide Annexure-1, as the same will not create any impediment for them to continue to discharge their duties under the existing agreement (Annexure-R/5 E).

5. Learned counsel for the State submits that continued discharge of duty by the petitioners as Door-Step Delivery Transporters shall naturally remain subject to the condition that they shall not default the terms and conditions of the agreement.

6. Having regard to the stand of the respondent-



Corporation, the writ petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.03.2018
Transmission Date	N.A.

