

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10616 of 2015

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M/s Sudhir Kumar Srivastava, Circuit House Road (Ara), Bhojpur through its Proprietor Sudhir Kumar Srivastava, aged about 43 Years Son of Shri Virendra Kumar Srivastava Resident of village - Pakri, P.O. Ara, P.S Sadar, District Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Department of Health, Govt. of Bihar, New Secretariat, Patna.
3. The Secretary, Department of Health, Govt. of Bihar, New Secretariat, Patna.
4. The Secretary -cum- Executive Director, District Health Society Bihar.
5. The District Health Society, Arwal through Civil Surgeon-cum-Member Secretary, Buxar
6. The District Magistrate -cum- Chairman, District Health Society Buxar
7. The Development Commissioner, Patna Division, Patna
8. The Deputy Development Commissioner-cum-Member District Health Society, Bihar.
9. The Civil surgeon-cum-Chief Medical Officer, Buxar

... .. Respondents

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Appearance :

For the Petitioner : None
For the Respondents : Mr. Arun Kumar Sinha, AC to GP 24

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 18-12-2018

The present writ petition has been filed for the following reliefs --

“(i) For issuance of an appropriate writ(s) in the nature of Mandamus commanding the Respondents to immediately finalize the Tender in favour of the Petitioner pursuant to the Notice Inviting Tender dated 01/02/10.2014 as the Petitioner is the only Applicant (Tenderer) who fulfills each and every criteria as per the terms of N.I.T. and with a further prayer to direct the Respondents to not to finalize the tender with any other Applicant who does not fulfill any



one of the condition as per the terms of N.I.T. as mentioned in clause JHA (04 & 05).

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

2. As none appeared on behalf of the petitioner the matter was passed over for a few cases. However, on repeat call the petitioner was again not represented.

3. Learned counsel for the respondents invites reference to paragraph 4 of the counter affidavit to submit that pursuant to the Committee's report dated 24.02.2015 finding that the tender submitted by the tenderers was not in consonance with the Labour Laws, the tender itself was cancelled. Hence, the question of finalizing of the same in favour of the petitioner did not arise.

4. The stand of the respondents taken in the counter affidavit has not been controverted as no rejoinder thereto has been filed by the petitioner.

5. In the above view of the matter, this Court finds the writ petition to be devoid of merit. The same stands dismissed.

BT/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.12.2018
Transmission Date	N.A.

