

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15392 of 2016

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Hazrat Belal son of Late Md. Gaffar, Resident of Budhi Jethwar, P.S.- Tarari,
District-Bhojpur, Bihar

.... Petitioner

Versus

1. The State of Bihar through, Principal Secretary, Food and Consumer Protection, Department, Government of Bihar, Patna
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
3. The Bihar State Food and Civil Supplies Corporation Limited, through its Managing Director, Khadya Bhawan, Dariga Rai Path, R Block Road no 2 Patna 800001
4. Managing Director, Bihar State Food and Civil Supplies Corporation Limited
5. The Deputy Head, Transportation, Headquarters, Bihar State Food and Civil Supplies Corporation Limited
6. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, District- Bhojpur (Ara)
7. Shri Kumar Abhishek son of Munna Sao, Resident of Main Road Ara Nawada, Dist - Bhojpur, Bihar.
8. Shri Santosh Kumar Singh, son of Birendra Singh, Resident of Charpokhari, P.S. Charpokhari, Dist - Bhojpur, Bihar.
9. Suraj Pratap Singh, Door Step Delivery Transporation Agent, SFC, Bhojpur.
10. Shobhnath Singh, Door Step Delivery Transporation Agent, SFC, Bhojpur.
11. Valians Treading Pvt. Ltd,. Door Step Delivery Transporation Agent, SFC, Bhojpur.
12. Om Enterprises, Door Step Delivery Transporation Agent, SFC, Bhojpur.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 10722 of 2017

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Hazrat Belal Son of Late Md. Gaffar, resident of Village- Budhi Jethwar, P.S.- Tarari, District- Bhojpur, Bihar.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar.
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Bihar State Food and Civil Supplies Corporation Limited, through its Managing Director, Khadya Bhawan, Daroga Rai Path, R- Block Road No. 2, Patna- 800001.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited.
5. The Deputy Chief, Transportation, Headquarters, Bihar State Food and Civil Supplies Corporation Limited.
6. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, District Bhojpur (Ara).



... Respondents

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Appearance :

(In CWJC No.15392 of 2016)

For the Petitioner : Mr. Surendra Kumar Singh, Advocate.

For the BSFC : Mr. Shailendra Kumar Singh, Adv.

For the State : Mr. Arbind Ujjwal, SC-4
Mr. Maruty Nath Roy, AC to SC-4

(In CWJC No.10722 of 2017)

For the Petitioner : Mr. Sudha Chandra, Advocate.

For the BSFC : Mr. Nirmal Kumar, Advocate.

For the Respondent s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-01-2018

Heard learned counsel for the petitioners and learned
counsel for the respondents.

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

“(i) To issue an appropriate writ, order or direction in the nature of certiorari for quashing letter dated 13.06.2016 (Annexure-7) issued under the signature of respondent Head respondent Deputy Head, Transportation, Headquarters, upon the orders of the Respondent Managing Director, whereby and whereunder Shri Kumar Abhishek was also appointed as Transporting, Handling cum Delivery Agent in the District of Bhojpur, on the grounds that the same is arbitrary, illegal and in violation of principles of natural justice and also against the own guidelines of the Respondent S.F.C. as contained in Annexure-2.

(ii) To issue further appropriate writ, order or direction in the nature of certiorari for quashing tender notice published on 20.07.2016 (Annexure-10), on the grounds that the same also is not only against the guidelines of the Respondents but also violative of the fundamental rights guaranteed to the petitioner under Articles 14, 19 and 21 of



the Constitution of India.

(iii) To issue further appropriate writ, order or direction commanding the Respondents to allow the petitioner to work as Transporting, Handling cum Delivery Agent for the whole of Bhojpur District as per the terms of Agreement dated 27.05.2016.

(iv) This Hon'ble court may adjudicate and hold that the action of the Respondents in appointing Shri Kumar Abhishek as Transporting, Handling cum Delivery Agent in the District of Bhojpur, is an act of mala fides and complete arbitrary exercise of power/authority vested with them.

(v) This Hon'ble Court may further adjudicate and hold that the action of Respondent Authorities in appointing Shri Kumar Abhishek as Transporting, Handling cum Delivery Agent in the District of Bhojpur, is violative of principles of natural justice and guidelines contained in Annexure-2, as neither there is a refusal by the petitioner to provide service in a selected region nor has he given his express consent for the same.

(vi) This Hon'ble Court may further adjudicate and hold that the action of Respondent Authorities in floating second tender is not only against the guidelines of the Respondents but also violative of the fundamental rights guaranteed to petitioner under of Article 14, 19 and 21 of the Constitution of India.

(vii) This Hon'ble Court may further adjudicate and hold that Respondent Authorities should not have floated a second tender for the same Districts during the term of the prevailing contracts/agreement.

(viii) This Hon'ble Court may award the cost of litigation and suitable compensation to the petitioner for the loss and



damages caused on account of the illegal and arbitrary actions of the Respondents Authorities.

(ix) To grant any other relief or reliefs which the petitioner may be found entitled to in the facts and circumstances of the case.”

3. At the very outset, learned counsel for the petitioners states that the present writ petitions need not be pressed in view of the pending representation before the Deputy Head, Transportation, Headquarters, Bihar State Food and Civil Supplies Corporation Limited (respondent no. 5) which would be pursued by the petitioners.

4. In the above view of the matter, the writ petitions stand dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.01.2018
Transmission Date	N.A.

