

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.12111 of 2013

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A.R. Software, through Proprietor namely Ashok Kumar @ Ashok Kumar Yadav, sole proprietorship firm, Saketpuri near Bazar Samiti, Police Station-Bazar Samiti, Patna, District- Patna

.... .... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Katihar cum District Election Officer, Katihar
3. Additional District Magistrate (Distress), Katihar cum Chairman, District Purchase Committee
4. The Deputy District Election Officer, Katihar
5. Ravindra Kumar Singh son of not known to the petitioner presently posted as Deputy Election Officer, Katihar
6. Madhu Infotech, Pvt. Ltd. Company through its Director namely Mrignal Madhoop son of Arvind Kumar resident of Nageshwar Colony, Police Station, Patliputra Colony, District- Patna
7. Active Media Group, sole proprietor firm through Shambhu Gupta son of not known to the petitioner resident of Kidwaipuri, near Employment Exchange Office, Police Station, Krishnapuri, Patna, District- Patna

.... .... Respondents

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#### Appearance :

For the Petitioner : Mr. Anand Kumar Ojha, Advocate.  
For the Respondents : Mr. Ajay Kumar, AC to GP-4

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 08-08-2018**

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

*“I. Issuance of writ in the nature of certiorari for quashing the decision dated 25.04.2013 passed by the Chairman, District Purchase Committee cum Additional Collector, Katihar whereby and whereunder the respondent authority had rejected the bid of the petitioner firm on nonexistent and flimsy ground which is not sustainable in the eye of law.*



*II. Issuance of direction to the respondent to award the work order of the Election Photo Identity Card (EPIC) and Electoral Roll to the petitioner firm which has requisite experience, turn over as eligibility for getting the award of work and issuance of further direction to respondent authority to restrain them from work order in favour of the private respondents during the pendency of the writ application.*

2. Learned counsel for the petitioner submits that the respondents have acted arbitrarily on non-existent reasons for rejecting the bid of the petitioner to the effect that the petitioner lacked requisite experience and turn over. It is submitted that as a matter of fact the petitioner's firm was duly certified as successful agency for doing works of EPIC and Electoral Roll for the 7 Assembly Constituencies of Purnea District in the past and the work of award as enumerated in paragraphs-5 to 8 in the writ petition.

3. Learned counsel for the respondents opposes the writ petition. He relies on paragraph-6 of the counter affidavit to submit that apart from the petitioner not fulfilling the requirements of experience and turn over, the petitioner's firm was not eligible also for the reason that the registration under the Shops and Establishment Act which was not found up-to-date.

4. Having heard the parties and on a consideration of the materials on record, I find the writ petition to be devoid of merit.



The stand in the counter affidavit particularly with reference to registration of the petitioner’s firm under the Shops and Establishment Act not being up-to-date, has not been controverted and no rejoinder to the counter affidavit has been filed.

5. The writ petition accordingly stands dismissed.

**(Vikash Jain, J)**

Md. Ibrarul/BT

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