

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.346 of 2018

IN

Civil Writ Jurisdiction Case No. 15154 of 2017

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Brajesh Kumar Singh Son of Ram Chandra Singh, Resident of Misarauliya, P.S.-
Chiraiya, District- East Champaran, Motihari.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food and Consumer Protection,
Government of Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd.,
Bihar, Patna.
4. The Deputy Chief Transportation, Bihar State Food and Civil Supplies
Corporation Ltd., Bihar, Patna.
5. The District Manager, Bihar State Food and Civil Supplies Corporation,
Sitamarhi.
6. The District Magistrate, Sitamarhi.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Jitendra Singh, Sr. Advocate Mr. Shashi Bhushan Kumar Mrs. Arti Kumari
For the State	:	Mr. S.RAZA AHMAD -AAG5
For BSFC	:	Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-03-2018

Seeking exception to an order dated 20th February, 2018
passed by the learned Writ Court in CWJC No. 15154 of 2017 this
appeal has been filed under Clause 10 of the Letters Patent.

The writ petition was filed seeking quashing of a letter
bearing no. 9535 dated 15.09.2017 issued by the Deputy Chief of
Transportation cancelling the handling agency on the ground that the



petitioner was working as a Saff Jawan on contract basis at the time of issuance of the tender. The learned Writ Court examined the matter and found that the letter dated 15.09.2017 which was impugned was in fact not a letter of cancellation. It was only a recommendation to the District Transport Committee as the District Transport Committee is yet to consider the recommendation and take a final decision. The learned Writ Court refused to interfere into the matter and in doing so, in our considered view, no error has been committed by the learned Writ Court warranting reconsideration. In fact, until and unless the order cancelling the contract based on recommendation is not passed the petitioner cannot have any grievance or cause of action to challenge the same and in rejecting the writ petition on such consideration the learned Writ Court has not committed any error.

Accordingly, finding no ground to interfere the appeal stands dismissed.

(Rajendra Menon, CJ)

(S. Kumar, J)

mr1/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27.03.2018
Transmission Date	

