

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16831 of 2018

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1. Rajesh Kumar, Son of Late Kapildeo Prasad Jaiswal, resident of Rajendra Nagar, P.S.- Chhatauni, P.O.- Motihari, District- East Champaran.
 2. Ajit Raj, aged about 30 years, Son of Anjni Kumar Prasad Mishra, resident of Road No.- 1, Near Kejariwal Hospital, Juran Chhapra, Barhanpura, P.S.- Muzaffarpur, District- Muzaffarpur.
 3. Ratan Sharma, aged about 44 years, Son of Vijay Shankar Sharma, resident of Near Rani Sati Mandir, Village Sikandarpur, Muzaffarpur, P.S.- Muzaffarpur, District- Muzaffarpur.
 4. Chandra Mohan Mishra, aged about 44 years, Son of Parasnath Mishra, resident of Bokane Mishra Tola, Bokane Kalan, P.S.- Bokane Kalan, District- East Champaran.

... .. Petitioner/s

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 Secretariate, Patna.
3. The District Magistrate, East Champaran, Motihari.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Khoya Bhawan, 4th Floor, Daroga Ray Path, Patna.
5. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. East Champaran, Motihari.
6. The District Transport Committee, East Champaran, Motihari through the Bihar State Food and Civil Supplies Corporation Ltd. East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, SC-4

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 27-08-2018

Heard learned counsel for the petitioners, learned counsel for the State and learned counsel appearing on behalf of Bihar State Food and Civil Supplies Corporation Ltd. (hereinafter referred to as the BSFC).



2. Petitioners challenge the notice inviting e-tender published in the daily newspaper, namely, Dainik Jagran, dated 15th July 2018, issued by the District Manager, BSFC, East Champaran, wherein bids have been invited for selection of Transportation-cum-Handling and Delivery Contractor (Door Step Delivery) for the district of East Champaran under the BSFC as contained in Annexure-1 to the writ application.

3. A similar matter has been heard and order dated 21.08.2018 has been passed in the case of Vinay Kumar Thakur and Ors. versus The State of Bihar and Ors. in CWJC No. 16414 of 2018 wherein it has been observed that since a general advertisement has been issued and no adverse finding has been recorded by the Respondent- BSFC, East Champaran, Motihari, the allotment made to the petitioner of the respective blocks would continue with the petitioners as Transportation-cum-Handling Delivery Contractor (Door Step Delivery)

4. This application is also disposed off exactly in the same terms as CWJC No. 16414 of 2018 that since a general advertisement has been issued and no adverse finding has been recorded by the Respondent-BSFC, East Champaran, Motihari, the allotment made to the petitioners in the respective blocks i.e. petitioner no. 1 being allotted Pipra Kothi, Kotwa, Kalyanpur,



Kesariya, petitioner no. 2 being allotted Turkauliya, Sugauli, Ramgadhwa, Bankatwa, petitioner no. 3 being allotted Motihari, Madhuban, Pakridayal, petitioner no. 4 being allotted Chiraiya, Dhaka, Ghorasahan, would continue with the petitioners as Transportation-cum-Handling and Delivery Contractor (Door Step Delivery) till subsistence of the agreement or any extended period which the BSFC authorities decide. However, this order will not restrain the Respondent-BSFC, East Champaran, Motihari in proceeding with the advertisement dated 15.07.2018, as contained in Annexure-1 being NIT No. 701(a) dated 06.07.2018 so long as it does not adversely affect the petitioners.

6. Writ application is allowed accordingly.

(Nilu Agrawal, J)

Rajesh/Pragya

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2018
Transmission Date	NA

