

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16414 of 2018

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1. Vinay Kumar Thakur Son of Bireshwar Prasad Thakur Resident of Village - Mishrauliya, P.S.- Chirya, District - East Champaran.
 2. Savita Devi Wife of Umakant Thakur Resident of Ward No. 31, Shri Krishna Nagar, P.S. - Town, District - East Champaran.
 3. Abhishek Kumar Son of Umashankar Singh Resident of Bhawanipur, P.S. Sangrampur, District - East Champaran
- ... Petitioners

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 Secretariat, 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
- ... Respondents

Appearance :

For the Petitioners : Mr. P.K. Shahi, Sr. Adv. with Mr. Arun Kumar, Adv.
For the Respondents : Mr. S.Raza Ahmad, AAG V

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-08-2018 Heard Mr. P.K. Shahi, learned Senior Counsel, assisted by Mr. Arun Kumar, counsel for the petitioner, learned counsel for the Bihar State Food and Civil Supplies Corporation as well as learned counsel for the State.

Petitioner seeks quashing of notice inviting E-tender published in the daily newspaper Dainik Jagran, dated 15th July, 2018, which has been issued by the Bihar State Food and Civil Supplies Corporation Ltd., East Champaran at Motihari, inviting bids for selection of Transportation-cum-Handling & Delivery



Contractor (Door Step Delivery) and Transporter-cum-Handling Contractor (MAIN), as contained in Annexure 1, to transport food grains from FCI depot to SFC godown and SFC godown to licensed fair price shops, BSFC, East Champaran at Motihari. Petitioners were appointed as Transportation-cum-Handling & Delivery Contractor (Door Step Delivery) in pursuance to the earlier advertisement issued, as contained in Annexure 2, the petitioners were declared successful and an agreement has been executed between the petitioners and the respondent-District Manager, Bihar State Food and Civil Supplies Corporation Ltd. on 28th/29th of December, 2016. Period of agreement/contract was for three years which was subject to extension of one year on satisfactory service by the contractor. He submits that three years period not having completed, a new tender has been floated by the Bihar State Food and Civil Supplies Corporation Ltd. East Champaran at Motihari, even before expiry of the period of contract and, thus, is arbitrary, malafide and in violation of Article 19 (1)(g) of the Constitution of India.

However, the learned counsel for the respondent-Bihar State Food and Civil Supplies Corporation Ltd. submits that as per Annexure 5A of the writ application, the petitioners were appointed as Transportation-cum-Handling & Delivery



Contractor (Door Step Delivery) in the specific blocks, petitioner no. 1, Vinay Kumar Thakur, being allotted Chakia, Mehshi, Patahim Fenhara, Tetriya, petitioner no. 2, Savita Devi, being allotted Areraj, Harsiddhi, Paharpur, Sangrampur and petitioner no. 3, Abhishek Kumar, being allotted Chauradano, Adapur, Raxaul, Banjaria, all in the district East Champaran.

Learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. submits that the advertisement, which is Annexure 1, clearly states that the same has been issued for the purpose of filling-up vacancy of Transporter-cum-Handling Agents (MAIN) and Transportation-cum-Handling & Delivery Contractor (Door Step Delivery) Agents and it does not specify the blocks where those Agents or Contractors are to be appointed. He, further, submits that in similar matter, this Court in C.W.J.C. No. 15443 of 2017 (Navin Nishchal Vrs. The Director, Bihar State Food and Civil Supplies Corporation, & Ors.) vide oral judgment, dated 05.01.2018, has dismissed the writ application on the ground that the petitioner in that case had not brought out any material to show that his business would be adversely affected by reason of such appointments.

Considering the submissions of the parties, since, during the pendency of the agreement, no adverse finding has



been recorded by the respondent-Bihar State Food and Civil Supplies Corporation Ltd., East Champaran at Motihari, the allotment made of the respective Blocks at Motihari, mentioned above, would continue with the petitioners as Transportation-cum-Handling & Delivery Contractor (Door Step Delivery). However, this order will not restrain the respondent-Bihar State Food and Civil Supplies Corporation Ltd., East Champaran at 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.

Writ application is **allowed**, accordingly.

(Nilu Agrawal, J)

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