

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20236 of 2013

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Binod Kumar son of Shri Kartik Kumar, Resident of Hanuman Path,
Tilkamanjhi, Bhagalpur, District- Bhagalpur

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Public Health Engineering Department, Bailey Road, Bihar, Patna
3. The Engineer-in-Chief Cum Special Secretary, Public Health Engineering Department, Near Civil Court, Katchari Chowk, Bhagalpur Zone, Bhagalpur
4. The Chief Engineer, Public Health Engineering Department Near Civil Court, Katchari Chowk, Bhagalpur Zone, Bhagalpur
5. The Superintending Engineer, P.H.E. Circle, Bhagalpur, Combined Building, Bhagalpur
6. The Executive Engineer, P.H. Division Banka, Bari Pani Tanki, Hata, Gandhi Chowk, Banka
7. Uma Shankar Rai, Purab Sarai, Munger
8. Anil Yadav Bargania, Bausi, Banka

... .. Respondents

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Appearance :

For the Petitioners : Mr. Ajay Kumar Sinha
Mrs. Manjhu Jha, Advocates.

For the Respondents : Mr. Rakesh Ambastha, AC to AAG-7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 03-12-2018

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

“(i) For issuance of appropriate writ/direction upon the respondents to quash the allotment work given to respondent nos. 7 & 8 without opening the Rate Bid of petitioner.

(ii) For issuance of appropriate writ to open the E-tender bid of the petitioner and allot the work in terms of the terms of Tender Notice; and

(iii) For issuance of other appropriate writ/direction which the petitioner in the fact and circumstances of this case is found and circumstances of this case is found entitled to.”



2. At the very outset, this Court takes note of the statement made in paragraph-4 of the counter affidavit to the effect that the respondent no. 8 has already completed the work allotted to him and respondent no. 7 was likely to complete his part by the next month i.e. October, 2013. The stand of the respondents has not been denied in the petitioner's reply to the counter affidavit.

3. This Court is therefore of the view that the writ petition has now become infructuous due to efflux of time and need not be agitated.

4. Learned counsel for the petitioner however expresses apprehension that a similar grievance may arise in future to the effect that his technical bid may be rejected on extraneous reasons of non-completion of work related to earlier tenders, as agitated herein. It is made clear that in such eventuality, the petitioner shall be at liberty to approach this Court as and when the occasion may arise.

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Ibrar/BT

AFR/NAFR	NAFR
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