

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15443 of 2017

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Navin Nischal, S/o Sri Rajkumar Prasad, Resident of Mohalla- Gola Road, P.O. & P.S.- Nawada, District- Nawada.

.... Petitioner

Versus

1. The Director, Food and Civil Supplies Corporation, Bihar, Patna.
2. The Managing Director, Food and Civil Supplies Corporation Ltd., B.S.F.C. Building, Patna.
3. The Deputy Chief Transportation, Corporation Headquarters, B.S.F.C. Building, Bihar, Patna.
4. The Special Executive Officer, T.P.D.S., Transport Headquarters, Bihar, Patna.
5. The District Manager, Bihar Food Corporation, Nawada.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rakesh Kumar Singh, Advocate

For the Respondents : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-01-2018

Heard learned counsel for the petitioner as well as learned counsel for the respondents.

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

“(i) For a direction to cancel/quash the tender notice invited vide PR No. 7914 (Ni.Ni.) 2017-18, published in daily newspaper namely Hindustan dated 16.10.2017 for appointing main Transporting-cum-Handling Agent (Door Step) within the district of Nawada where the petitioner is working successfully.

(ii) For a direction to grant ad-interim stay of the tender notice published vide PR No. 7914 (Ni.Ni.) 2017-18, published in daily newspaper namely Hindustan.

(iii) For a direction to the respondent authorities for permitting/allowing the petitioner to complete his work as a



door-step Transporting-cum-Handling Agent till 15.06.2019 by virtue of agreement granted to him on 16.06.2016, for a period of two years.

(iv) For a direction to the respondent authorities to further extend the agreement of the work if found satisfactory.

(v) For any other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the respondents have acted arbitrarily in issuing the fresh tender for appointment of new Transporting-cum-Handling Agents, considering that the agreement of the petitioner dated 16.06.2016 entered into with the respondent-Bihar State Food and Civil Supplies Corporation is still valid upto 15.09.2019 and the petitioner has been working as Transporting-cum-Handling Agent to the satisfaction of the respondents.

4. Learned counsel for the respondent-Corporation, on the other hand, opposes the writ petition, inviting the attention to the advertisement (Annexure-2) itself wherein vacancies of only one Transporting-cum-Handling Agent (main) as well as two Transporting-cum-Handling Agent (Door Step Delivery) are sought to be filled up. It is stated that such appointments would in no way adversely affect the functioning of the petitioner.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court does not find any merit in the writ petition. The advertisement (Annexure-2) clearly states that the same has been issued for the purpose of filling up the vacancies of one Transporting-cum-Handling Agent (main) as well as two Transporting-



cum-Handling Agents (Door Step Delivery). The petitioner has not brought on record any material to show that his business would be adversely affected by reason of such appointments.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09.01.2018
Transmission Date	N.A.

