

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15929 of 2017

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1. Md. Masharur Faizi, son of Md. Sakil Ahmed, resident of Village- Gariya, P.S.- Bisfi, District- Madhubani.
 2. Satish Kumar, son of Shyam Sunder Sahu, resident of Village- Khirmu, P.S.- Keoti, District- Darbhanga.

.... Petitioners

Versus

1. The Food and Consumer Protection Department through the Principal Secretary, Government of Bihar, Patna.
2. The State of Bihar through District Magistrate, District- Madhubani.
3. The Bihar State Food and Civil Supplies Corporation Limited through its M.D., Bihar at Patna.
4. The Chairman-cum- Collector, District Transport Committee, Madhubani, District- Madhubani.
5. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Madhubani, District- Madhubani.
6. The Chief of Finance, Bihar State Food and Civil Supplies Corporation Limited, Bihar at Patna.

.... Respondents

With

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Civil Writ Jurisdiction Case No. 15989 of 2017

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1. Suman Kumar Mishra, Son of Chandra Kumar Mishra Resident of Village-Bih Nagar, P.S.-Pandal, District-Madhubani
2. Shivam Kumar Choudhary, Son of Subodh Choudhary Resident of Village-Pali, P.S.- Beni Patti, District-Madhubani

.... Petitioners

Versus

1. The Food and Consumer Protection Department through the Principal Secretary Government of Bihar, Patna.
2. The State of Bihar through District Magistrate, District-Madhubani
3. The Bihar State Food and Civil Supplies Corporation Limited through its M.D. Bihar at Patna.
4. The Chairman-Cum-Collector, District Transport Committee, Madhubani, District-Madhubani
5. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Madhubani, District-Madhubani
6. The Chief of Finance, Bihar State Food and Civil Supplies Corporation Limited, Bihar at Patna.

.... Respondents

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Appearance :

(In CWJC No.15929 of 2017)

For the Petitioners : Mr. Sumeet Kumar Singh, Advocate.

For the State : Mr. Alok Ranjan, AC to AAG-5

For the BSFC : Mr. Niraj Kumar, Advocate.

(In CWJC No.15989 of 2017)

For the Petitioners : Mr. Sumeet Kumar Singh

For the State : Mr. Arvind Ujjwal, SC-4

Mr. Upendra Pratap Singh, AC to SC-4

For the BSFC : Mr. Niraj Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-03-2018

Heard learned counsel for the petitioners and learned
counsel for the respondents.



2. Both the writ petitions have been filed for a direction to the District Magistrate-cum-District Transport Committee, Madhubani and the District Manager, B.S.F.C., Madhubani to enter into the agreement with the petitioners for door step delivery in the light of order dated 29.05.2017 and letter dated 30.08.2016.

3. Learned counsel for the petitioners submits that pursuant to Notice Inviting Tender (NIT) published on 06.02.2016 by the respondent-Corporation for appointment of door step delivery transporter for a period of one year from the date of agreement, the petitioners along with other persons submitted their tenders. In due course, the matter was considered by the Chairman-cum-Collector, District Transport Committee, Madhubani (respondent no. 4) in its meeting dated 29.05.2017 when he selected the candidates including the two petitioners required to submit details for taking final decision for entering into agreement with them. Thereafter, by letter dated 07.06.2017, the District Manager called for the documents for verification of the vehicles from nine persons including the petitioners. Thereafter, however, the petitioners have been waiting but no agreement entered into between them.

4. Learned counsel for the respondent-Corporation, on the other hand, opposes the writ petition stating that there is no concluded contract with the petitioners and hence both the writ petitions themselves are not maintainable. In any event it is submitted that the right to enter into agreement with a tenderer lies within the domain of the Corporation and such appointment of transporters is on need basis. It is pointed out that since the agreement had been entered into with the petitioners at the relevant time when however some



other persons were appointed and have already worked in terms of their respective agreements. A fresh NIT has also been issued on 17.11.2017 for appointment of six Door Step Delivery Transporters as per need.

5. Having regard to the submissions made on behalf of the rival parties, this Court is not inclined to interfere in the matter. Appointments of Door Step Delivery Transporters are required to be made on the basis of requirement and this aspect lies within the discretion of the Corporation to decide what the requirement is. It has been pointed out by the petitioners that a representation dated 01.08.2017 has been filed on behalf of the petitioners along with a few other persons before the District Magistrate-cum-District Transport Committee, Madhubani.

6. In the above circumstances, the writ petition stands disposed of with liberty to the petitioners to pursue their aforesaid representations before the Chairman-cum-Collector, District Transport Committee, Madhubani (respondent no. 4) for appropriate redressal of their grievances.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.03.2018
Transmission Date	N.A.

