

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4654 of 2018

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Ram Kumar Rai, Son of Late Shiv Parshan Rai, Resident of Village+P.O.+P.S. -
Kochas, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Mid-day Meal Scheme Committee, Education Department, Government of Bihar, Patna.
4. The District Magistrate, Rohtas.
5. The District Education Officer, Rohtas.
6. The District Programme Officer (Mid-day Meal Scheme), Education, Patna.
7. The Head Postmaster, Main Post Office, Sasaram, Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh Adv

For the Respondent/s : Mr. KAMESHWAR KUMAR- GP17

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-07-2018

The present writ petition has been filed for directing the respondents to accept the tender of the petitioner for appointment of contractor for lifting and distribution of the food grains for Mid-day Meal Scheme in Kochas Block of Rohtas District.

2. Learned counsel for the petitioner makes a short submission to the effect that even though the tender papers have been despatched on 19.02.2018 by post prior to the last stipulated date i.e. 20.02.2018, the same were not delivered on account of postal vagaries. Instead, the same were returned to the petitioner at his house on 21.02.2018. The



petitioner submits that the tender has not yet been finalized and he deserves an opportunity of being considered for the same.

3. Learned counsel for the respondent no. 3 appears and opposes the writ petition, submitting that it was the responsibility of the petitioner to ensure delivery of the tender papers within time.

4. Having heard the parties and on consideration of the materials on record, this Court finds the writ petition to be devoid of merit. It is an admitted position that the tender papers were not delivered before the last date namely, 20.02.2018 and the responsibility in this regard rested solely with the petitioner. It is not the case of the petitioner that the postal department acted as agent of the tenderer. The mere fact that the tender has not been finalized cannot constitute a reason for directing the respondents to accept the tender papers beyond the last date fixed for submission .

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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