

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.16683 of 2017

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1. Gyan Jyoti Gramouthan Samiti through its Secretary Jitendra Kumar Pandey, Son of Late Anirudh Pandey, Resident of Village-- Post Office- Chorwan, Police Station-Baniapur, District-Saran
  2. Jankalyan Samiti through its representative Ranjit Sah, Son of Sita Ram Sah Resident of Village-Gangoi, Post Parsa, Police Station-Bheldi, District-Saran.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The State Health Society, Bihar through its Secretary-cum-Executive Director, Parivar Kalyan Bhawan, Patna
3. The Commissioner, Saran Division, Saran.
4. The District Health Society, Saran through its Secretary the Civil Surgeon, Saran
5. The District Magistrate-cum-Chairman, District Health Society, Saran
6. The Civil Surgeon-Cum-Secretary, District Health Society, Saran.
7. The District Programme Manager, Saran
8. The Assistant Commissioner, Commercial, Saran.
9. The District Account Officer, Saran
10. The General Manager, Industries, Saran.
11. Bhabha Institute of Social Services through its Secretary Arbind Kumar Singh, Salemur, Post Officer-Chapra, District-Saran.
12. Professor Nawal Kishore Prasad Smiriti Seva Sansthan through its Secretary, Shailendra Kumar Singh, Shahi Colony, Hazipur, Vaishali.
13. Crocksy Security Pvt. Ltd. Hanumat Nagar, Ward No.4, Uttarwari Pokhra, Bettiah, West Champaran.
14. Ang Foundation through its Chairman Dr. Satyajit Kumar, Road No.-1, Shivpuri, Patna.

.... .... Respondent/s

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#### Appearance :

For the Petitioner/s : Mr. Gyan Prakash, Adv  
For the State : Mr. Anil Kumar Verma, AC to AAG 9  
For the State Health Society: Mr. Kishore Kumar Sinha, Adv  
Mr. Shashi Shekhar, Adv

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 09-05-2018**

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

- (i) *For issuance of writ in the nature of mandamus commanding the respondents, particularly respondent nos. 5 and 6 to issue fresh work order for the work of*



*outsourcing in different hospitals of Saran District, in favour of the petitioners as they have qualified in technical and financial bid finally along with 10 other bidders but as respondent nos. 5,6 and 7 were kind enough to the respondent nos. 11 to 14 issued work order on 08.11.2016 in their favour who do not fulfil the terms and conditions of Tender, and this work order in pursuance of the order of this Hon'ble Court in writ petition filed by the present petitioners the Divisional Commissioner, Saran has declared illegal vide order dated 31.08.2017 after hearing all the parties.*

- (ii) For a direction upon the respondents, particularly upon the respondent nos. 1 and 2 to take all statutory and necessary actions in pursuance of observation made by the Divisional Commissioner, Saran, in concluding paragraphs of the order dated 31.08.2017.*
- (iii) For holding that the petitioners who have participated in Tender qualified in technical and financial bid are entitled to allotment of work order being second rate quoter (L2) as the allotment of work order to the respondent no. 11 to 14 being lowest rate quoter (L1) found to be and declared illegal and they ought to be disqualified in the technical bid, itself.*
- (iv) For issuance of any other direction(s) for which the petitioners be found entitled to in the facts and circumstances of the case.*

2. Having heard learned counsel for the petitioners, learned counsel for the State as well as learned counsel for the State Health Society, this Court is of the view that it may not be necessary to discuss the details of the submissions made on behalf of the parties. By judgment dated 04.01.2018 passed in CWJC No. 19200 of 2017 (Annexure 'F' to the counter affidavit) the issue relating to the contract of the four petitioners of the said writ petition is pending fresh decision by the District Magistrate-cum- Chairman, District Health Society, Saran, Chapra. This Court is of the view that the ends of justice will be met if the present petitioners are granted liberty to also approach the District Magistrate-cum-Chairman, District Health Society, Saran, Chapra (Respondent No. 5) with their representation and whose cases should also



be considered and decided as they claim to be L-2 and L-1 respectively, in accordance with law.

3. It is expected that an early decision will be taken in the matter considering that the petitioners’ claim arise with respect to the NIT which was published as far back as in August, 2016, preferably within four weeks from the date of receipt/production of a copy of this judgment.
4. The present judgment has been passed with the consent of all the parties.
5. The writ petition stands disposed of as above.

**(Vikash Jain, J)**

Chandran/BT

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 17.05.2018 |
| Transmission Date | NA         |

