

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17383 of 2017

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1. Bhagwan Jha, Son of Sri Mahesh Nath Jha, Resident of Mohalla - Kabraghat Lalbagh, P.S.-L.M.N.U. Campus, District-Darbhanga.
 2. Sujit Kumar Gupta, Son of Sri Ramji Prasad Gupta, Resident of Village - Dullipatti, P.S.-Jainagar, District-Madhubani.
 3. Trilokinath Gupta, Son of late Sukhdeo Gupta, Resident of Village-Rajnagar Station Road, P.S.-Rajnagar, Madhubani.
 4. Navin Kumar, Son of Nilanand Jha, Resident of Village - Blaur, P.S.-Manigachhi, District-Darbhanga.
 5. Sanjeev Kumar, Son of late Jai Prakash Rai, Prop. of Bhawani Shankar Construction Rajnagar, Village-Laxmipur, P.S.- Kaluahi, District-Madhubani.

.... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Bihar State Food and Civil Supplies Department, Government of Bihar, Patna.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Khadya Bhawan, Daroga Prasad Rai Road, R-Block, Road No2, Patna.
3. The Deputy Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Khadya Bhawan, Daroga Prasad Rai Road, R-Block, Road No.2, Patna.
4. The District Magistrate, Madhubani.
5. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. Madhubani.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Lakshmi Kant Sharma,
Mr. Rajesh Kumar, Advocates
For the Respondents : Mr. Harish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-01-2018

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

2. The present writ petition has been filed for quashing
the letter contained in memo no. 1869 dated 24.10.2017 issued under



the signature of the respondent District Manager, respondent no. 5 addressed to the petitioners whereby and whereunder the respondent authorities during the continuance of the agreement (extended agreement) took steps for appointment of transporting and handling contractor pursuant to decision of the District Transport Committee.

3. Mr. Rama Kant Sharma, learned senior counsel appearing on behalf of the petitioners, submits that the respondents have acted arbitrarily in issuing a fresh tender for appointment of one Transporting-cum-Handling Agent (main) and ten Transporting-cum-Handling Agent (Door Step Delivery) even though the agreement of the petitioners with the respondent-Bihar State Food and Civil Supplies Corporation for working as Transporting-cum-Handling Agents (Door Step Delivery) is still valid till the year 2019.

4. Learned counsel for the respondent-Corporation, on the other hand, submits that the fresh appointments as advertised are required to be filled up for proper and smooth functioning and such appointments would in no way affect the business of the petitioners, provided that the petitioners fulfill the conditions as required for extension of term of their agreement in terms of Memo No. 1869 dated 24.10.2017 (Annexure-1).

5. Having regard to the stand taken on behalf of the respondent-Corporation, the writ petition stands disposed of. I.A. No. 8733 of 2017 shall also stand disposed of.



B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.01.2018
Transmission Date	N.A.

