

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.71 of 2019

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Anand Lok Foundation, Chamarhara, Post Office-Mahnar, District-Vaishali,
through its Incharge – Murari Kumar, Aged about 33 years (Male), Son of
Mohan Thakur, Resident of Ward No. 41, Police Station-Muffasil, District-
Begusarai.

... .. Appellant/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Urban
Development, Government of Bihar, Patna.
2. The District Magistrate, Motihari.
3. The Executive Officer, Nagar Parishad, Motihari.
4. Lok Priya Seva Sansthan through its Chairman Smt. Vidya Jha @ Vidya
Devi, D/o. Late Maheshwar Jha, Permanent Resident of Village Laxmipur,
Bakhari, P.O.-Fatehpur, Phulwaria, District-Vaishali, presently resident of
North Mandiri, P.O. G.P.O., P.S. Kotwali, District - Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. P. K. Shahi, Sr. Advocate Mr. Sanjeet Kumar, Advocate Mr. Prabhat Kumar Singh, Advocate
For the State	:	Mr. Yogendra Prasad Sinha, A.A.G. 7
For the Nagar Parishad	:	Mr. Raghwanand, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-01-2019

Heard Shri P.K. Shahi, learned Sr. Counsel for the
appellant, and Shri Raghawanand, learned counsel for the Nagar
Parishad.



We had heard the appeal on 25th of January, 2019 and the following order was passed:-

“Learned counsel for the Nagar Parishad Shri Raghawanand submits that it may be possible for the Nagara Parishad as well to file an appeal keeping in view the fact that re-issue of tenders may still invite higher offers. That would be in the interest of the Nagar Parishad. He prays that this matter be taken up on 29th January, 2019 to enable him to complete his instructions.

Put up on 29th January, 2019.”

The dispute relates to the acceptance of a tender for maintenance of seven public toilets (Sulabh Sauchalay) established by the Nagar Parishad. The award of tender to the appellant was challenged by the respondent-writ petitioner in C.W.J.C. No. 4062 of 2018 giving rise to this appeal. The writ petition has been allowed and while allowing the writ petition, for the reasons given therein, the work allocated to the appellant has been cancelled with a further direction to allot the work as against the aforesaid tender to the respondent-writ petitioner allowing him to deposit the proportionate amount for maintaining the Sulabh Sauchalay in respect of “remaining period of the financial year”.

Having noticed the aforesaid directions, we had called upon the Nagar Parishad to explain as to why he had not chosen to file an appeal in spite of the fact that there were two other



bidders whose bids were higher than that of the writ petitioner.

In response thereto, learned counsel for the Nagar Parishad submits that the aforesaid two bidders did not approach either the Nagar Parishad nor have they filed any appeal before this Court questioning the correctness of the judgement and, therefore, keeping in view the aforesaid circumstances, the Nagar Parishad also does not find it necessary to prefer any appeal against the impugned judgement. Apart from this, the contention of the learned counsel for the Nagar Parishad is that in view of the judgement of the learned Single Judge, since the work order is to continue as an arrangement for the remaining financial year, therefore, the Nagar Parishad shall take fresh steps thereafter for floating the fresh tender.

Having considered the submissions raised, we also find that, keeping in view the short period for which the arrangement has been made under the impugned judgement for the remaining financial year which will obviously come to an end on 31st of March, 2019, we see no reason to interfere at this stage, even though without expressing any opinion on the merits of the appeal.

The appeal is, therefore, disposed off with liberty to the Nagar Parishad to proceed to issue fresh tenders as the work



order, according to the directions of the learned Single Judge,
will terminate at the end of the financial year i.e. 31st of March,
2019.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/Uma/-

AFR/NAFR	NAFR
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