

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4105 of 2019

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M/s Nityanand Singh, Contractor and Order Supplier, Office at Srikrishna Nagar, Motihari, P.S.- Nagar Motihari, P.O. and District- Motihari through its partner namely, Nityanand Singh, aged about 46 years, Gender- Male, Son of Late Mahashay Singh, Resident of Village- Mura, P.S.- Gobindganj, P.O.- Chandi Asthan, District- East Champaran

... .. Petitioner/s

Versus

1. The Union of India through the Department of Telecommunication, Government of India, New Delhi
2. The Chief Managing Director, B.S.N.L., a Government of India Enterprise, New Delhi
3. The C.G.M.T., Bihar Circle, B.S.N.L., Patna
4. The GMTD, BSNL, Chapra
5. The Telecom District Manager (TDM), BSNL, Motihari
6. The SDE (Planning), Office of the TDM, BSNL, Motihari
7. The SDE (Sales and Marketing), BSNL, Motihari
8. The SDE, Raxaul and Dhaka, BSNL, Motihari
9. The Account Officer (Cash), BSNL, Motihari
10. The SDE (Areraj), BSNL, Motihari
11. The A.O. (Ashwarya), BSNL, Motihari
12. The M/S Suman Transmission, Tilka Manjhi, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar, Adv.
For the Respondent no.1	:	Mrs. Nivedita Nirvikar, CGC
For the BSNL	:	Mrs. Renuka Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-03-2019 Heard learned counsel for the petitioner, learned counsel representing the BSNL and learned counsel representing the Union of India.

The petitioner, in the present case, is aggrieved by the communication sent through E-mail dated 02.02.2019 by the



tendering authority of BSNL who has informed the petitioner that he has been disqualified technically in NIT No.TDM/MTH/Tender OFC MTCE/2018-19 Line No.1 dated 20.12.2018. The petitioner has prayed for quashing of the said decision and the consequential benefits.

In course of argument, Mr. Ranjeet Kumar, learned counsel representing the petitioner submits that the party in whose favour the BSNL has executed the agreement had produced certain forged documents, this fact has been reported to the authorities and in this connection the letter reference no.NS01 dated 04.02.2019, as contained in Annexure-4 to the writ application, has been submitted with Chief General Manager, Telecom, Bihar Circle, Patna, but the said authority is sitting over the matter and is not considering the complaint of the petitioner. Learned counsel, therefore submits that the said authority may be directed to consider the complaint of the petitioner and take an appropriate decision thereon.

Mrs. Renuka Sharma, learned counsel representing the BSNL submits that in case the petitioner is looking for disposal of his complaint, this Court may not go into the merit of the contentions of the writ petitioner as in such circumstance it will be the authority concerned who will only be looking to



the complaint and will take a decision thereon.

Learned counsel for the Union of India is present, however, in the facts and circumstances of the present case, she has no much role to play in the litigation.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that, at this stage, the writ application may be disposed off with a direction to the Chief General Manager, Telecom, Bihar Circle, Patna to consider the grievance of the petitioner, as contained in Annexure-4 to the writ application, and take a decision thereon within a period of 60 days from the date of receipt/production of a copy of this order.

In case, the petitioner wants to submit any further written submissions, he may do so within a period of two weeks from today.

It goes without saying that in case the decision of the Chief General Manager, Telecom, Bihar Circle, Patna is likely to effect any third party, it will be incumbent upon him to hear the said party before passing the order on the complaint of the petitioner.

It is made clear that this Court has not gone into the merit of the contentions and it will be wholly independent



exercise by the Chief General Manager, Telecom, Bihar Circle,
Patna but within the time prescribed hereinabove.

The writ application is disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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