

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11896 of 2019

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Rajesh Kumar Jha, Son of Late Ram Lakshman Jha, Resident of village-
Barkurba, Post-Turki, Police Station-Kurhani, District-Muzaffarpur, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary Food and Consumer Protection, Department, Govt. of Bihar, Patna
2. The District Magistrate, Samastipur.
3. The District Magistrate-cum-Chairman, District Transport Committee, Samastipur.
4. District Complaint Committee, Samastipur.
5. Bihar State Food and Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Rai Path, R. Block Road, No.2, Patna.
6. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Rai Path, R. Block, Road No.2, Patna
7. The Deputy General Manager, Transportation, Bihar, State Food and Civil Supply Corporation Ltd., Khadya Bhawan, Daroga Rai Path, R. Block, Road No.2, Patna
8. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., Samastipur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Sanjeet Kumar, Advocate
For the B.S.F.C.	:	Mr. Shailendra Kumar Singh, Advocate
For the State	:	Mr.S. Raza Ahmad, AAG-5
		Mr. Alok Ranjan, A.C. to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-09-2019 Heard learned counsel for the petitioner as well as

learned counsel representing the Bihar State Food and Civil

Supplies Corporation Ltd. (in short ‘Corporation’).

Petitioner in the present case is aggrieved by the

decision taken in the meeting held on 15.01.2019 by the District

Transport Committee, Samastipur whereby technical bid of the



petitioner submitted in pursuance of the Notice Inviting Tender No. 816 dated 27.09.2018 for selection of Transportation-cum-Handling and Delivery Contractor (Door Step Delivery) has been rejected on the solitary ground that the petitioner did not submit the labour license with the tender document.

Learned counsel for the petitioner has contended that the decision impugned in the present writ application is in the teeth of not only the instruction of the Labour Resources Department, Government of Bihar but is also liable to be set aside in view of the judgment delivered by this Court on 01.08.2019 in C.W.J.C. No. 11952 of 2019 wherein after taking note of the letter of the Labour Resources Department, this Court held that the decision to reject the technical bid of the petitioner in the said case in want of labour license was wholly illegal and without jurisdiction. A copy of the judgment dated 01.08.2019 passed in C.W.J.C. No. 11952 of 2019 has been brought on record as Annexure 'P/13' to the writ application.

Mr. Shailendra Kumar Singh, learned counsel representing the Corporation submits that he has filed a counter affidavit on behalf of the Corporation. In course of argument this Court called upon Mr. Shailendra Kumar Singh to take a stand as to whether this case would be covered by the judgment



of this Court in C.W.J.C. No. 11952 of 2019 or not. Learned counsel for the Corporation is unable to contend otherwise. Since the issue raised in the present writ application has already been decided by this Court earlier in C.W.J.C. No. 11952 of 2019, for the same reasons and rational the impugned order in the present case is hereby set aside.

The writ application is allowed.

The District Transport Committee, Samastipur shall consider the tender of the petitioner in accordance with the conditions.

(Rajeev Ranjan Prasad, J)

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