

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1095 of 2019

In

Civil Writ Jurisdiction Case No.12378 of 2017

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Kiran Devi Wife of Ganesh Purbey, Resident of Village-Balha, P.O. Bhushkho,
P.S. Keoti, District-Darbhanga.

... .. Appellant/s

Versus

1. The Union of India through the General Manager, Eastern Central Railway, Eastern Central Railway Headquarter, Vaishali (Hajipur), Bihar.
2. The General Manager, Eastern Central Railway, Eastern Central Railway Headquarter, Vaishali (Hajipur), Bihar.
3. The Divisional Railway Manager (C), Samastipur, Office of the Divisional Railway Manager, Eastern Central Railway, Samastipur, District-Samastipur.
4. The Senior Divisional Commercial Manager, East Central Railway, Samastipur, Office of the Divisional Railway Manager, Eastern Central Railway.
5. The Station Manager, The East Central Railway, Samastipur, Station-Samastipur, District-Samastipur.
6. Rekha Purbey, Wife of Sudhir Purbey Resident of Village-Maulaganj, P.O.-Lalbagh, P.S.-Dharbhanga, District-Dharbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sandeep Kumar, Advocate
For the Railways	:	Ms. Binita Singh, Advocate
For the Respondent No. 6:		Mr. P. K. Shahi, Sr. Advocate
		Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 24-09-2019 Heard Mr. Sandeep Kumar, learned counsel for the

appellant, Mr. P. K. Shahi, learned counsel for the contesting

respondent and Ms. Binita Singh, learned counsel for the

Railways.



This appeal arises out of the impugned judgement dated 20.08.2019 passed in C.W.J.C. No. 12378 of 2017 where the learned Single Judge has proceeded to allow the writ petition filed by the respondent herein and has also recorded a clear finding that the appellant (respondent no. 6 in the writ petition) had succeeded in getting the tender awarded in her favour on the strength of an income certificate that was not only doubtful but was invalid and not in conformity with the terms and conditions as enumerated in the tender notice.

The short question, therefore, that has been raised before us is as to whether the said income certificate as relied upon by the appellant was valid enough to sustain the contract awarded to her.

We are not entering into the details of facts which are already recorded in the impugned judgement but from a perusal of the material on record and the findings recorded, we find that the learned Single Judge did not commit any error in recording a finding to the effect that the issuance of two certificates by the Circle Officer in the name of the



appellant and its being pressed into service by the appellant for obtaining the tender, clearly indicated that the said attempt was clearly an unlawful act on the basis of a document which had no valid existence.

The conclusions drawn by the learned Single Judge, therefore, does not suffer from any infirmity and we approve the same.

Appeal is accordingly dismissed.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

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