

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5658 of 2020

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M/s Sanjay Printing Works, through its Partner Nawin Chandra Jaiswal, male, aged 62 years, son of Late (Dr.) Mathura Prasad Jaiswal, resident of Mohalla - Gurhatta, P.s.- Khajekalan, Patna City, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Additional Secretary, Department of Education, Government of Bihar, Patna
3. The Managing Director, Bihar State Text Book Publishing Corporation Limited (undertaking of the Government of Bihar), Pathya Pustak Bhawan, Budha Marg, Patna- 800001

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Prasad, Advocate
		Mr. Vivek Jaiswal, Advocate
For the Resp. Corpn.	:	Ms. Anukriti Jaipuriyar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 13-05-2020

The present writ petition has been received in this Court by email and assigned to this Bench by Hon'ble the Chief Justice as an extremely urgent matter for hearing through video conferencing. Learned counsel for the petitioner undertakes that all the defects shall be removed without delay immediately after the present lockdown ends, and in any event within one month thereof. Learned counsel for the respondent-Corporation expresses that she has no objection if the defects are removed as proposed and the matter be taken up on merits in view of the stated urgency.

2. The following reliefs as formulated by the petitioner



have been claimed in the writ petition –

“(i) For issuance of a writ of mandamus commanding the respondent no. 3, the Managing Director, Bihar State Text Book Publishing Corporation Limited to allot the work of printing test books under Samagra Shiksha Abhiyan, (Expression of Interest) Tender for the period 2020-21, who had allotted the work order to the petitioner and tender was signed on 26.03.2018 vide letter no. 1889 dated 20.03.2018 for the period of three years i.e. 2018-19, 2019-20 and 2020-21. Similarly the other printers have been allotted the work on 13.04.2020 and due to this the petitioner is deprived and also entitled for the work order for the year 2020-21.

(ii) For further direction to the respondents, particularly respondent no. 3 to dispose off the representation filed by the petitioner on 23.04.2020 through e-mail but till today the same has not been considered as yet and is still pending for final adjudication before the respondent no. 3, The Managing Director, Bihar State Text Book Publishing Corporation Limited.

(iii) For any other relief/reliefs to which the petitioner may be found entitled to in the eye of law.”

3. With the consent of the parties, the writ petition is taken up for final disposal on merits.

4. Learned counsel for the petitioner submits that the petitioner had been allotted work order and tender was signed on 26.03.2018 for a period of three years namely, 2018-19, 2019-20 and 2020-21. The petitioner was blacklisted and some



payments owing to him have also fallen overdue, which were made the subject matter of challenge in separate writ petitions. The petitioner is presently aggrieved inasmuch as the work order for the year 2020-21 is not being allotted to him, rather the work has been allotted to other persons. In this regard a representation dated 23.04.2020 (Annexure-5) has been filed before the Managing Director, Bihar State Text Book Publishing Corporation Limited (respondent no. 3), which is still pending.

5. Learned counsel for the petitioner, after some arguments, submits that it will suffice if a direction is given to the Managing Director, Bihar State Text Book Publishing Corporation Limited (respondent no. 3) to dispose of the aforesaid representation on merits expeditiously.

6. Learned counsel for the respondent no. 3 appears and states that there is no objection to the proposal of the petitioner.

7. Having regard to the stand of the parties, the writ petition is disposed of with a direction to the Managing Director, Bihar State Text Book Publishing Corporation Limited (respondent no. 3) to consider and dispose of the petitioner's aforesaid representation dated 23.04.2020 (Annexure-5), if still pending, on its own merits in accordance with law after granting an opportunity of hearing to the petitioner, expeditiously and in any event within a period of three weeks from today.

8. It is made clear that in view of the ongoing lockdown



and corona virus pandemic, the respondent no. 3 shall be at liberty to hear the petitioner through video conference and any correspondence may be made through email. To enable the same, the petitioner undertakes to furnish his mobile phone number and e-mail ID to the respondent no. 3 without delay.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	17.05.2020
Transmission Date	-

