

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7832 of 2020

=====

Ranjana Kumari W/o Raj Kumar Sah at Present R/o D-1, tribhuwan's
Chandeshwar Kamla Enclave, Opposite Snehi Path, West Patel Nagar, Patna-
800023

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Health and Family Welfare, New Delhi.
2. The State of Bihar through the Secretary, Department of Health and Family Welfare, New Delhi.
3. The Principal Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
4. Bihar Medical Services and Infrastructure Corporation Ltd., Patna (BMSICL) through its Managing Director, 4th Floor, BSBCL, Building. Hospital Road, Shastri Nagar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Kumar Brijnandan, Advocate
For the Respondent/s	:	Mr.Dr. K.N. Singh (ASG)
		Mr.Vikash Kumar, SC 11

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-09-2020

Petitioner has prayed for the following relief(s):

- “(i) For issuance of an order (s)/ direction (s) or writ (s) in the nature of mandamus directing the Respondent No.4-BMSICL and the State of Bihar to dispose of the representations dated 14.02.2020 sent by the petitioner [Annexure-4 (series)] pursuant to the order dated 23.01.2020 passed by this Hon’ble Court in CWJC No.1519 of 2020 (Ranjana Kumari Vs. The Union of India & Ors). And/or
- (ii) For issuance of further order (s)/



direction (s) or writ(s) in the nature of Mandamus directing the Respondent No.4-BMSICL to finalize without inordinate delay the tender process initiated by Notice inviting Tender (NIT No.BMSICL/Infra/22/2019 dated 10.06.2019) for construction of six Government Medical College & Hospital in Bihar located in the districts of Vaishali, Begusari, Sitamarhi, Jamui, Madhubani and Buxar. And/or

(iii) Pass such other order/ orders which may appear fit and proper in the facts and circumstances of the instant case.”

It is the petitioner’s grievance that despite issuance of notice inviting tender for construction of Government Medical College & Hospital in Bihar [N.I.T. No. BMSICL/Infra/22/2019] dated 10th of June, 2019 (Annexure-1), calling upon parties to express their interest for carrying out civil work for construction of six medical colleges and hospitals in the State of Bihar, tendering process has yet not been completed.

Shri Vikash Kumar, learned Standing Counsel No. XI, under instructions states that the position, as stated by the petitioner, is not correct. The process of tender stands partly completed. Also construction stands commenced at least with respect to the Medical Colleges at district- Sitamarhi and district- Madhubani. With respect to two other Medical Colleges, namely, Begusarai and Buxar, the process for finalizing the tender was on way, but however, with the finalization of the technical bid, the aggrieved party approached this Court by way



of writ petitions [C.W.J.C. Nos. 208 of 2020 and 211 of 2020] in which further proceedings stand stayed.

The State shall move an application seeking preponement of hearing and modification of such order.

In so far as District- Jamui is concerned, the process could not be completed on account of non-availability of eligible candidate and as such, the Government has taken a decision of initiating a fresh process.

In so far as District- Vaishali is concerned, even though the tender process stands completed but construction could not commence for want of certain procedural formalities, for which appropriate action stands taken and clearance is likely to be obtained in the near future.

Statement is accepted and taken on record.

In view of the aforesaid factual matrix, we dispose of the present petition reserving liberty to the petitioner to take further action in accordance with law, if so required and desired.

(Sanjay Karol, CJ)

(S. Kumar, J)

pallavi/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.09.2020
Transmission Date	

