

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7316 of 2020**

Upendar Ray, S/o Ramcharitra Ray, R/o Jafrabad, P.O. and P.S.- Khanjahan  
Chak urf Saidenpur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Patna, Bihar.
2. The Managing Director cum Appellate Authority, Bihar State Food and Civil Supply Corporation, Patna, Bihar.
3. District Magistrate, District- Vaishali.
4. District Magistrate cum Chairman, District Transport Committee, Vaishali.
5. Bihar State Food and Civil Supplies Corporation, Khadhyan Bhawan, R-Block, Patna through Managing Director.
6. The Deputy Development Commissioner cum Vice Chairmen, District Transport Committee, District- Vaishali.
7. Deputy General Manager (Transport) Bihar State Food and Civil Supplies Corporation, headquarter Khadyan Bhawan, Near R Block Patna.
8. The District Transport Committee, Bihar State Food Corporation, District- Vaishali through its Secretary District Manager SFC, District- Vaishali.
9. The District Manager, Bihar State Food and Civil Supplies Corporation, Vaishali, Hazipur.
10. Sanjay Kumar, S/o Rajander Prasad Kushwaha, Resident of permanent address-Amnoursaran, Chapra, District- Saran, PIN- 841401, correspondence address- Nepali Nagar, Ashiana Nagar, Patna, PIN- 800025.
11. Ranvir Kumar, S/o Hari Madhav Rai, Resident of Rampur Chandar Chanur, Dagru, Chitrauli, District- Vaishali, PIN- 844126.

... .. Respondent/s

**Appearance :**

|                                   |   |                                   |
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| For the Petitioner                | : | Mr.Krishna Mohan Mishra, Advocate |
| For the State                     | : | Mr.Arvind Ujjwal, S.C.-4          |
| For Respondent Nos.2,<br>5, 7 & 8 | : | Ms. Anukriti Jaipuriyar, Advocate |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      08-09-2020                      Since as of now the Courts have not resumed normal  
  
physical hearing, the matter has been listed today for  
  
consideration through video conferencing.



The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

The brief grievance of the petitioner is that non-compliance with the requirement of submission of Bank guarantee for six months is yet to be considered by the Transport Committee. Even before such consideration, fresh NIT has been issued in relation to the work in question.

Learned counsel representing Respondent Nos.2, 5, 7 and 8 upon instructions specifically submits that issuance of the fresh NIT, which is for empanelment, will not come in the way of the petitioner being allotted the work pursuant to the NIT dated 04.07.2019, in response to which he submitted his bid, however, subject to his fulfilling the requisite and in case decision of the Transport Committee is taken in his favour.

In view of such stand of the respondent-Corporation that the fate of the petitioner's tender is yet to be considered and decided by the Transport Committee, there is no occasion for this Court to pass any order.



The application is disposed of.

**(Madhuresh Prasad, J)**

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