

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6806 of 2020**

Prasant Flower, Son of Vinay Kumar Ray, resident of Mohalla- Manik Sarkar  
Ghat Road, Adampur, P.s.- Jagdishpur, District- Bhagalpur

... .. Petitioner/s

Versus

1. Bihar State Mid Day Meal (MDM) Yojana, Govt. of Bihar, Patna, through its Director,
2. Director, Bihar State Mid Day Meal (MDM) Yojana, Govt. of Bihar, Patna
3. District Magistrate cum Chairman, District Selection Committee, Mid Day Meal Yojana, Bhagalpur
4. District Programme Officer cum Secretary District Selection Committee, Mid Day Meal Yojana, Bhagalpur
5. Additional District Magistrate (ADM), Departmental Enquiry cum Member, District Mid Day Meal Yojana committee, Bhagalpur
6. District Programme Manager cum member MDM Yojana Committee Bhagalpur

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate

For the Respondent/s : Mr. Girijish Kumar, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

**Date : 15-11-2021**

Petitioner has prayed for the following relief(s):-

- I. To quash the advertisement dated 27.07.2019 published in the daily newspaper (Prabhat Khabar) vide tender invitation notice 2019-20 for inviting tender with regard to selection of



- II. contractor in 'Mid-day- Meal' Yojana for carrier the grains from Bihar state Food Corporation Godown ,Bhagalpur to concern school situated at Gopalpur, Sanhaura, Bihpur , Nathnagar and Narayanpur , issued by Bihar State Mid-day meal , Bhojan Yojana Samiti, District:- Bhagalpur because there is some mistake in the shed tender advertisement which was admitted by the same and for the said reason tender of Narayanpur Block was cancelled and cancelled on 03.12.2019 and subsequently fresh advertisement vide tender invitation information 2020-22 was published in the newspaper (Dainik Jagaran) dated -28.02.2020 issued by the same respondent.
- III. To further direct the respondent to cancel the said tender advertisement 2019-20 with regard to other block also i.e. Gopalpur , Sanhaura , Bihpur ,& Nathnagar block and subsequently issued a fresh advertisement after cancelling the advertisement dated:- 27.07.2019 vide tender invitation information 2019-20 and advertisement dated :-28.02.2020 vide tender invitation information 2020-22 respectively due to mistake in earlier tender advertisement ,
- IV. For which petitioner is entitled for.

It is submitted on behalf of the petitioner that vide Annexure-1, tender dated 27.07.2019 was invited for the year 2019-20 for appointment of contractor for transportation of Mid-day-Meal from the godown of State Food Corporation to the Govt. schools situated in different



blocks of the Bhagalpur District, which were Gopalpur, Sanhaula, Bihpur, Nathnagar and Narayanpur.

Petitioner and others participated in the tender process and the contract as far as blocks Gopalpur, Sanhaula, Bihpur and Nathnagar are concerned, attained finality and even the agreement was executed between the authorities and the transporting agency. However, on account of some defect/mistake, Narayanpur Block was re-tendered along with other 11 Blocks of the Bhagalpur District on 28.02.2020 and the same has also been finalized.

Contention of the petitioner is that as far as Annexure-1 is concerned, out of 06 Blocks, tender process of one Narayanpur Block was cancelled due to some defect/mistake in tender as such for remaining Blocks i.e. Gopalpur, Sanhaula, Bihpur and Nathnagar, tender process should also be cancelled and a fresh tender be issued as in tender of these four Blocks also same defect/mistake were existing for which tender of Narayanpur was cancelled.

Since the tender has already been finalized and the transporting agency has already entered into agreement with the authorities for transporting the foodgrains from the



State Food Corporation Godown, Bhagalpur and moreover the petitioners had participated in bid and were not successful as such subsequently they cannot challenge the tender process. The successful bidders have not been impleaded as party respondent to the petition. We see no reason to interfere with concluded contract for carrying foodgrains from the godown of State Food Corporation for Mid-day-Meals in Government schools, which will be against public interest also.

Accordingly, present petition stands dismissed.

Interlocutory application, if any, shall stand dismissed.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Sujit/Sanjay

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| AFR/NAFR          | NAFR       |
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