

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2459 of 2020

Prabhat Kumar Jaiswal @ Prabhat Kumar, Son of Harishankar Prasad Jaiswal,
Resident of Mohalla-Raniganj, Ward No. 7, Bara Chakia, P.S. Chakla, District
East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation,
Daroga Rai Path, R-Block, Road No. 2, Patna.
3. The Managing Director, Bihar State Road Transport Corporation, Birchand
Patel Path, Patna.
4. The District Transport Committee headed by the District Magistrate, East
Champaran, Motihari.
5. The District Magistrate, East Champaran, Motihari.
6. The Deputy Chief, Bihar State Road Transport Corporation, Birchand Patel
Path, Patna.
7. The District Manager, Bihar State Food and Civil Supplies Corporation, East
Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Lal Babu Singh, Advocate
For the Respondent/s	:	Mr. S Raza Ahmad (AAG-5)
		Mr. Vishwambhar Prasad AC to AAG-5
	:	Mr. Sanjay Kumar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-09-2022

- (i) For quashing of the decision of the respondent District
Transport Committee dated 21.01.2019 whereby the bid
of the petitioner has been rejected for appointment of

Transport Handling-cum-Supply Agent under Door Step Delivery (DSD) system under the district of Motihari.

- (ii) For a direction to the respondents to appoint the petitioner as Transport Handling-cum-Supply Agent under Door Step Delivery (DSD) system under the district of Motihari as per direction /order dated 27.08.2018 of this Hon'ble Court passed in CJWC No. 13230 of 2018.

- (iii) For a declaration that:-

(a)The impugned decision of the respondent District Transport Committee is contrary to the finding and direction of this Hon'ble Court passed in CWJC No. 13230 of 2018 vide order dated 27.08.2018 and has defeated the letter and spirit of the order.

(b)The respondent District Transport Committee has ignored the specific finding of this Hon'ble Court in CWJC No. 13230 of 2018 vide order dated 27.08.2018 and took the impugned decision as if sitting in appeal against the order of the Hon'ble Court.

(c)Once the Hon'ble Court held out that the petitioner had already submitted documents of five vehicles duly verified by DTO /MVI as per requirement of the tender

the respondent District Transport Committee cannot reject the bid of the petitioner on the same ground.

(d)The impugned decision of the District Transport Committee is in teeth of this Hon'ble Court passed in CWJC No. 13230 of 2018 vide order dated 27.08.2018.

(e)The petitioner is successful bidder and entitled to appointment as Handling-cum-Supply Agent under Door Step Delivery (DSD) system under the district of Motihari as he fulfills all criteria as evident in the impugned decision itself that as per requirement the documents of five vehicles of the petitioner have already been verified and certified by the DTO/MVI.

(f) The respondents are obliged to appoint the petitioner as Handling-cum-Supply Agent under Door Step Delivery (DSD) system under the district of Motihari as per order and direction of the Hon'ble Court in CWJC No. 13230 of 2018 vide order dated 27.08.2018.

For any other relief(s) or consequential relief(s) to which the petitioner may be found entitled to in the facts and circumstances of this case.

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to approach **Respondent No. 5, namely The District Magistrate, East Champaran, Motihari** for redressal of the grievance(s).

Permission granted.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

The instant petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/ishika-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	