

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2929 of 2020**

M/s Medicine Palace West Boring Canal Road, Patna through its proprietor Anjani Kuamr Singh, male, aged about 61 years, S/o Late Ramchandra Prasad Singh, resident of R/O Indrapuri, fulwari, House No.- 6/102, P.O.- Keshari Nagar, P.S.- Patliputra, District and Town- Patna (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi.
2. The Director General, Central Government Health Scheme (CGHS), Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.
3. The Director, Central Government Health Scheme (CGHS), Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.
4. The Additional Director, Central Government Health Scheme (CGHS), 54, South Chhajjubagh, Patna 800001.
5. M/S Krishna Enterprises through its proprietor Ram Brind Singh, East Ramkrishna Nagar, New Bypass, Near HDFC Bank, Sorangpur, Patna 800027.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                                |
|----------------------|---|------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Shantanu Kumar, Advocate<br>Mr. Praveen Kumar, Advocate<br>Mr. Satish Kumar Giri, Advocate |
| For the Respondent/s | : | Dr. K.N. Singh, ASG<br>Mrs. Kanak Verma, CGC                                                   |

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3      20-09-2022      Petitioner has prayed for the following relief(s):-

- I) For quashing the notice regarding fresh E TENDER, which has been published on the website of the Respondents vide OPEN TENDER NOTICE NO. 42-3 / CGHS/PAT/ALC/2020-23 for Empanelment of Authorised Local Chemist for CGHS WC'S at Patna, Chapra, Darbhanga, Gaya, Muzaffarpur (FY 2020-23) under the pen and signature of Addl. Director, CGHS, Patna ( Respondent No 4) dated



21.01.2020 as the same is unnecessary, malafide and arbitrary exercise. AND

- II) For issuance of writ in the nature of writ/order/direction upon the respondents by holding that action of the Respondent No 4 to declare M/S Krishna Enterprises as L-1 in the Tender Process issued vide E Tender, NIT Notice No.F.NO.42-2/CGHS/PAT/ALC-PA 1/2019-22 dated 23.07.2019, for empanelment of authorised local chemists for CGHS WC's (Wellness Centres) at Patna, Chhapra, Darbhanga, Gaya, Muzaffarpur (FY 2019-22), is ARBITRARY, MALAFIDE AND COLOURABLE EXERCISE OF POWER by Respondent No 4. AND,
- III) For **declaring the petitioner as L1 after disqualifying M/S Krishna Enterprises in the tender process** issued vide E Tender, NIT Notice No.F.NO.42-2/CGHS/PAT/ALC-PA 1/2019-22 dated 23.07.2019 (who was qualified in technical bid but was arbitrarily declared L2 ), **and directing the respondents to issue Work Order in its favour** in the facts and circumstances mentioned herein below.
- IV) Any other relief that lordship deem fit necessary in the facts and circumstances of this case, mentioned herein below.

Learned counsel for the petitioner submits that in view of the intervening developments, the present petition has become infructuous, and as such, the petitioner may be permitted to withdraw the present petition.

Permission granted.



The instant petition stands disposed of as  
withdrawn.

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

**(Sanjay Karol, CJ)**

**(S. Kumar, J)**

P.K.P./Amrendra

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