

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3284 of 2022

1. Samsheer Singh Son of Sri Krishnandan Singh Resident of Village-Mosimpur, P.S.-Khusrupur, District-Patna.
2. Rahul Ranjan Son of Sri Krishnandan Singh Resident of Village-Mosimpur, P.S.-Khusrupur, District-Patna.
3. Sanju Kumari Wife of Rahul Ranjan Resident of Village-Mosimpur, P.S.-Khusrupur, District-Patna.
4. Ranvir Prasad Son of Late Panbabu Prasad Resident of Village-Kaladiara, P.S.-Naya Tola Bariyarpur, District-Patna.
5. Dharmendra Kumar Son of Late Ramanand Singh, Resident of Village-Akhtiyarpur, P.S.-Paliganj, District-Patna.
6. Sumant Kumar Son of Late Sudhir Singh Resident of Village-Akhtiyarpur, P.S.-Paliganj, District-Patna.
7. Ram Kanchan Kumar Son of Late Sanjay Kumar Resident of Village-Akhtiyarpur, P.S.-Paliganj, District-Patna.
8. Sudesh Prasad Singh Son of Late Manki Prasad Singh Resident of Village-Gonwa, P.S.-Naubatpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Departmental, Government of Bihar, Patna.
2. The Principal Secretary, Education Departmental, Government of Bihar, Patna.
3. The Director, Mid-Day Meal, Bihar, Patna.
4. The District Magistrate, Patna.
5. The District Development Commissioner, Patna.
6. The District Education Officer, Patna.
7. The District Programme Officer, Mid-Day Meal, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mukund Mohan Jha, Advocate
For the Respondent/s	:	Mr. Jitendra Kr. Roy 1 (SC 13)

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

(Per: HONOURABLE THE CHIEF JUSTICE)



(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

3 14-10-2022 Petitioners have prayed for the following relief(s):-

- i. For quashing of letter contained in Memo No. 166 dated 02.02.2022 issued by Director, Mid-Day Meal, Bihar, Patna ordered that in view of matter, since the guideline issued vide letter no. - 2226 dated 20.11.2017 by the Director, Mid-Day Meal for state of Bihar which is applicable for all the District, therefore, by incorporating clause 14 of the advertisement (NIT) No. 01/2019-20 restricting the bidder to participate in the said tender whose vehicle is not registered in Patna District, is illegal and in contrary to the term mentioned in the said guideline, therefore the NIT No. 01/2019-20 is cancelled, and consequently the agreement dated 11.02.2020 executed by the District Level Office of Mid-Day Meal, Patna with all the said ten (10) successful bidders stands terminated.



- ii. For further direction to respondent authorities to allow these petitioners to work as Transporting Cum Handling Agent in different Circle/Division of Patna District under Mid-Day Meal Scheme who were validly selected pursuant to tender notice no. 01/2019-20.
- iii. For any other relief/reliefs for which the petitioners are found entitled too.

After the matter was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioners, learned counsel for the petitioners, under instructions, states that the petitioners shall be content if the petitioners are permitted to withdraw the present petition, with liberty to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

The petition is disposed of as withdrawn with the liberty aforesaid.

Liberty reserved to the petitioners to take recourse to



such other remedies as are otherwise available in accordance with law.

It stands clarified that all issues of fact and law are left open to be agitated by the competent authority.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

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