

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7332 of 2019

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Vikash Kumar, S/o Ram Chandra Kunwar, Resident of Ward No. 6, Gaura-2,
Daniyalpur, P.s.- Teghra, Distt.- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department,
Bihar, Patna
2. The Principal Secretary Health Department, Bihar, Patna
3. The District Magistrate-cum-Chairman District Health Society, Sadar
Hospital Campus, Begusarai
4. The Civil Surgeon-cum-Member Secretary District Health Society, Sadar
Hospital Campus, Begusarai
5. The Deputy Development Commissioner Begusarai
6. The Assistant Chief Medical Officer Begusarai
7. The District Superintendent Sadar Hospital, Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kaushal Kumar Singh, Advocate
For the Respondent/s	:	Mr.Mujtabaul Haque, GP-12
		Mr. Vasant Vikash, AC to GP-12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-11-2022

The petitioner has prayed for the following relief/s :-

- (i) For issuance of an appropriate writ(s) particularly writ in the nature of mandamus commanding the respondents to open the petitioner's financial bid



petitioner's financial bid submitted by him pursuant to Notice Inviting Tenders (NIT) for outsourcing of Dietary Services at Government Health Care facilities as also Notice Inviting Tenders (NIT) for outsourcing of Cleaning Services at Government Health Care facilities in Begusarai for the period 2018-19 as per the Tender Notice issued on 04.02.2019; published in News Papers on 10.02.2019 for which the technical bid of the petitioner has wrongly and arbitrarily been rejected orally without any valid ground and without any proper intimation or communication of assigned reason.

- (ii) For further issuance of appropriate writ(s) commanding and directing the Respondents to award the aforesaid Cleaning and Dietary Services contract in



Services Contract at Government Health care facilities in the district of Begusarai where he is already working for last four years giving full satisfactory service.

(iii) For stay of further action by respondent authorities in awarding the contract aforesaid to any ~~bider~~^{bidder} in pursuance of aforesaid NIT during pendency of this application.

(iv) For grant of any other relief(s) which the petitioner may be initiated to in the facts and circumstances of the present case.

Learned counsel submits that at this point in time, petitioner fulfills all the requisites, mandatory or otherwise as stipulated in the NIT.

We notice that the said NIT pertains to the period 2018-19.

Learned counsel for the petitioner fairly states that



with the passage of time, the present petition has become infructuous. However, it is his apprehension that in future, he may be ousted for non-compliance of the terms and conditions, should the authorities issue a fresh NIT.

Without touching this issue, we leave it open for the authorities to consider this aspect as and when the need would arise.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	03.11.2022
Transmission Date	

