

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6410 of 2022

Jan Kalyan Samiti through its Secretary, Mamta Rani @ Mamta Anand, aged about 57 years, female, wife of Anand Tripathi, resident of Road No. 3, Khas Mahal, Jan Kalyan Samiti, Chiraiyantar, P.S. Jakkanpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Patna.
2. The District Magistrate, Sheohar.
3. The Executive Officer, Nagar Parishad, Sheohar.
4. The Administrator, Nagar Parishad, Sheohar.
5. Nandani Waste Management Private Limited through Raushan Kumar aged about not known, male, son of Jagat Naresh Choudhary, Muzaffarpur, P.S. Muzaffarpur, District-Muzaffarpur.
6. Shivam Jan Swasthya EVEM Servicing Vikash Kendra, Vivekanand Marg, Boring Road, P.S. Sri Krishnapuri, District-Patna through Shankar Dayal Kumar, son of Ramashish Singh, aged about not known, male.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Abbas Haider (SC 6)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-06-2022

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

“i. For issuance of an appropriate writ/s, order/s, Direction/s to respondents for setting aside tender awarded to respondent no. 5 & 6 in violation of statutory provision for NIT No. 1/2021-22 whereby and under the petitioner was declared as L-1 in technical Bid and was



called for pre Bid meeting with the respondents.

ii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents to call for records of tender committee report and finding with regard to NIT No. 1/2021-22 whereby and under the respondent no. 5 & 6 have been awarded the contract.

iii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents that why appropriate legal action should not be taken against them for violation of terms and conditions of the NIT, which the petitioner heard from the employees working with the private respondents that they are not being paid minimum wages as per circular of the State Government.

iv. To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case.”

It is the petitioner’s allegation that his technical bid was cancelled/withdrawn only to favour respondent Nos. 5 and 6, namely Nandani Waste Management Private Limited through Raushan Kumar and Shivam Jan Swasthya EVEM Servicing Vikash Kendra through Shankar Dayal Kumar, who now stand awarded the work in terms of N.I.T. (Annexure-P/1, page-19).

We notice that petitioner has already vented out his grievances before the District Magistrate, Sheohar which are



pending consideration.

At this stage, Shri Sanjay Kumar, learned counsel for the petitioner, states that petitioner shall be content if a direction is issued to respondent No. 2, namely The District Magistrate, Sheohar to consider and decide the said representation dated 24th of December, 2021 (Annexure-P/4, page 25 and the legal notice dated 27th of January, 2022 (Annexure-P/5, page 26) within reasonable period.

None can have any objection to the same.

As such, petition is disposed of in the following terms:

- (a) The authority concerned shall consider and dispose of the said representation dated 24th of December, 2021 (Annexure-P/4, page 25 and the legal notice dated 27th of January, 2022 (Annexure-P/5, page 26) expeditiously by a reasoned and speaking order preferably within a period of two months from the date the order is placed on the file of the said authority.
- (b) The order assigning reasons shall be communicated to the petitioner;
- (c) Needless to add, while considering such



representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(g) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually



agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	23.06.2022
Transmission Date	

