

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6945 of 2019

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Tarkeshwar Prasad (male) aged about 47 years, Son of Sri Santlal Prasad
Resident of Village- Gopalpur, P.O. Shiv Mohammadpur, P.S. Marhaura,
District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Mid Day Meal Scheme, Bihar, Patna.
4. The District Magistrate, Saran at Chapra, District- Saran at Chapra.
5. The District Education Officer, Saran at Chapra, District- Saran at Chapra.
6. The District Programme Officer, Mid Day Meal Scheme, Saran at Chapra, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Kumar Manglam, Advocate
For the State	:	Ms. Shilpa Singh, GA 12
For the Respondent MDM	:	Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-10-2022

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

“1) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the Notice Inviting Tender No.01 of 2019 issued under the signature of the Respondent nos. 4, 5 and 6 whereby and where under they had invited tender for appointment of Transporting Agent for lifting and supply of food grains of the Mid Day Meal Scheme for 20 Blocks of Saran District on the ground that



since in view of the order dated 15.03.2019 passed by a Bench of this Hon'ble Court in C.W.J.C. No.3914 of 2019, the Respondents are now required to appoint contractors for only those Blocks for which they had not appointed any contractor since before, the petitioner cannot be made to suffer if he had submitted his tender documents for his appointment as a Contractor for one those Blocks where the Respondents are required to consider for extension of the previous contractor in view of the guidelines issued by the Directorate of Mid Day Meal Scheme.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to issue a fresh tender Notice Inviting Tender for only those Blocks, where there was no requirement of any consideration for extension of contract period of previous Contractor, to provide an opportunity to the petitioner to complete with others for award of contract.

III. For issuance of any other appropriate writ/writs order / orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

Learned counsel for the respondents states that the Government has taken a policy decision of having the Mid Day Meal Scheme implemented through the Bihar State Food and Civil Supplies Corporation.

In this view of the matter, we do not find any reason



sufficient enough to interfere with the present petition, more so, when petitioner's right cannot be said to be infringed for the period for which petitioner was awarded contracts stood expired much prior to the decision taken by the Government. Also, no legitimate right accrued in petitioner's favour for continuance of the work after the initial period of contract.

As such, present petition stands disposed of.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	21.10.2022
Transmission Date	

