

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7704 of 2022

Elitefalcons Private Limited Office at 101, 1st Floor, Sri Ram Tower,
Kankarbagh Main Road, P.S.-Kankarbagh, District-Patna through its
Authorized person Shekh Lala, Gender-Male, aged about -42 years, S/o Late
Sheikh Samruddin, R/o-Tari Godown, Bibiganj, P.S.-Danapur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Health Department, Govt. of Bihar.
3. The Executive Director, State Health Society, Bihar, Parivar Kalyan
Bhawan, Shekhpura, Patna.
4. The District Magistrate-cum-President, District Health Society, Lakhisarai.
5. The Civil Surgeon-cum-Secretary, District Health Society, Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Respondent/s : Mr. S. D. Yadav, AAG-9
Mr. Anil Kumar Verma, AC to AAG-IX

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

Date : 03-08-2022

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

- (i) for issuance of order/orders, writ/writs particularly in
the nature of writ of certiorari or any other appropriate
writ(s) for quashing of Notice Inviting Tender (NIT) PR
15455 (Health) 2021-22 published in the HINDUSTAN



Newspaper on 01.04.2022 (Annexure - 6) whereby and whereunder the Civil Surgeon Lakhisarai, the Respondent No.- 5, has invited Tender for providing Security Guards through outsourcing within Sadar Hospital and other Health Institution of Lakhisarai District which is against the direction of State Health Society issued vide letter No. 3875 dated 31.08.2019.

(ii) For issuance of order/orders, writ/writs particularly in the nature of writ of Mandamus or any other appropriate writ(s) against the Respondent No.- 4 & 5 for issuing Notice Inviting Tender (NIT) PR 15455 (Health) 2021-22 published in the HINDUSTAN Newspaper on 01.04.2022 (Annexure - 6) without any authority.

(iii) For issuance of writ in the nature of Mandamus as a consequence of setting aside the Notice Inviting Order (NIT) - directing the Respondent Authorities for allowing the petitioner to continue supply of the security guards within Lakhisarai district till selection of agency at state level.



(iv) For any other relief or consequential reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.

Petitioner was awarded work for providing security guards at Sadar Hospital and other health institutions within the district of Lakhisarai. This was vide an agreement dated 13.01.2017. The respondents had taken a call of reviewing its policy inviting proposals by way of tender. The petitioner's contract period stands completed since it was only on annual basis. The tender was invited on 1st of April, 2022.

We find no reason to interfere in the present petition for it cannot be said that any right of the petitioner indefeasible in nature, stands infringed vide an impugned action of inviting tenders for allocation of work.

As such, the present petition without merit is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/sujit

AFR/NAFR	
CAV DATE	
Uploading Date	06.08.2022
Transmission Date	

