

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9968 of 2022

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Chandra Prakash Singh Son of Late Tribhuvan Prasad Singh, Resident of Geetanjali, Road No. 3, P.S. - Rajeev Nagar, Keshri Nagar, District - Patna, at Present - National President-cum-President, State of Bihar, Indian National Trade Union Congress (INTUC), Bihar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Addl. Chief Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Addl. Chief Secretary, Department of Finance, Govt. of Bihar, Patna.
5. The Joint Secretary, Department of Health, Govt. of Bihar, Patna.
6. The Managing Director, Bihar Medical Services and Infrastructure Corporation (BMSIL), 4th Floor, Bihar State Building Construction Corporation Ltd., Hospital Road, Shastri Nagar, Patna - 800023.
7. The General Manager (Procurement), Bihar Medical Services and Infrastructure Corporation (BMSIL), 4th Floor, Bihar State Building Construction Corporation Ltd., Hospital Road, Shastri Nagar, Patna - 800023.
8. The Executive Director, State Health Society, Bihar, Patna.
9. Rodic Consultants Pvt. Ltd. through its Managing Director, having its office at Narayan Niwas, Road No. 1 Extension, Rajbanshi Nagar, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh, Advocate
For the Respondent/s : Mr.S.D. Yadav (AAG 9)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(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.)



Date : 11-11-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s) :-

“1. (a) To quash the tender notice contained in Tender Reference No.BMSIC/MSPBSHSD/22-01 dated 04.02.2022 was issued under the signature of General Manager (Procurement), Bihar Medical Services & Infrastructure Corporation (Resp. No. 7) by which E-Bids/Tender for selection of "Managed Service Provider for Bihar State Health System Digitization" has been invited from the interested parties. A copy of Tender Reference No. BMSIC/MSPBSHSD/22-01 dated 04.02.2022 is annexed as Annexure-1 to this application.

(b) To constitute an enquiry committee headed by either sitting or retired Hon'ble Judges of this Hon'ble High Court or direct any of the Central Investigation Agency to make an appropriate inquiry against the manner in which the tender in question has been issued, as for:-

- i. In the tender in question, Clause 6 (Approach and Methodology) and 7 (Technical Presentation and Functional Demonstration) of the Technical Evaluation Criteria has arbitrarily been assigned 25 and 50 marks respectively out of a total of 100 marks meaning thereby that assessment for 75 out of 100 is purely on discretion of decision makers and, hence, absolutely non-transparent.
- ii. Instead of technical experts, IAS Officers e.g. Sri Dinesh Kumar (IAS), Chairman, [MD,



BMSICL], Sri Anshul Agrawal (IAS), Jt. Secretary, Health Department as well as Sri Rajnikant (BAS) [CJM, Supply Chain, BMSICL], Sri Satish Ranjan Sinha, OSD to Acs, Health Department, Mr. Zahid Latif [representative of BELTRON) were part of the Technical Experts Committee.

iii. It has also been learnt by the petitioner that even the tender paper have not been prepared by the Bihar Medical Services & Infrastructure Corporation (BMSICL) itself rather the same was prepared by the Health Department and forwarded to it for the purpose only to finalize the same.

(c) And, for any other relief(s), which is in the PUBLIC INTEREST at large in the given facts and circumstances of this case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to file a fresh petition, on the same and subsequent cause of action, furnishing better particulars and additional materials, if so required and desired.

Permission granted with liberty as prayed for.

As and when any such petition is filed, the same shall be processed and listed by the Registry on priority basis.

Instant petition stands dismissed as withdrawn



in the aforesaid terms.

Interlocutory Application(s), if any, stands
disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

chn/sujit

AFR/NAFR	
CAV DATE	
Uploading Date	14.11.2022
Transmission Date	

