

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11831 of 2022

=====

Lakshman Kumar, Son of Vishwanath Yadav, Resident of Ward No. 1, Village
and Post Office Marukiya, P.S.-Khajauli, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply
Department, Patna.
2. The General Manager Public Distribution Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation
Limited, Patna.
4. The Deputy Secretary Department of Transport, Bihar, Patna.
5. The Joint Commissioner cum Secretary Regional Transport Tribunal
Muzaffarpur.
6. The District Magistrate cum Chairman, District-Transport Committee,
Madhubani.
7. The District Manager State Food Corporation, Madhubani.
8. The Deputy Development Commissioner, Madhubani.
9. The District Transport Officer, Madhubani.
10. The District Transport Committee through its Chairman, Madhubani.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Ravi Prakash, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG 5)
		Mr. Alok Ranjan, AC to AAG5
For BSFC	:	Mr. Shailendra Kumar Singh, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 24-11-2022 The petitioner has prayed for the following relief/s :-



That this is an application for issuance of an appropriate writ(s) order(s), direction(s) for quashing the order contained in memo no. 83 dated 08.07.2022 as well as memo no. 236 dated 06.02.2021 issued under the signature of respondent authorities whereby and where under the petitioner declared unsuccessful bidder in Technical bid in Transport handling cum supply contractor for door step delivery of food grains on baseless grounds that in course of scrutiny it has been found that the road permit is/was not available to the vehicles no. BR06GA5621 and BR06GA8739 of petitioner though there is no necessity of road permit for the abovesaid work as per section 66 of motor vehicle act 1988 and after quashing the abovesaid order date 06.02.2021 respondents be directed to consider the case of petitioner and declare successful bidder and to grant any other relief(s) for which petitioner may found entitled in accordance with law.



It is mutually agreed that the petitioner shall prefer an appeal which lies before the Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Patna.

Mr. Shailendra Kumar Singh, Learned counsel appearing on behalf of Bihar State Food and Civil Supplies Corporation Limited states that if any such appeal is preferred by the petitioner within a period of three weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the appeal on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

(a) Petitioner is permitted to prefer an appeal within a period of three weeks from today;

(b) In the event of appeal being preferred within a period of three weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;



(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of two months from the date of filing of the appeal;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(h) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(i) 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;

(j) We have not expressed any opinion on merits and all issues are left open;



(k) Liberty reserved to the petitioner to take recourse to such other remedies as would be available, should the need so arise subsequently on the same cause of action.

The instant petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

U			
---	--	--	--

