

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13807 of 2022

1. Munna Tatma S/o Sri Devi Tatma Resident of Village- Haflaganj Sirniya Pachim, P.S.- Katihar, District- Katihar.
2. Ashok Paswan, S/o Siyaram Paswan, Resident of Tingachia, P.S. Town, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The State of Bihar through Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Mid Day Meal, Bihar, Patna.
4. The Director, Pradhan Mantri Posahar Yojana, Bihar.
5. The District Magistrate-cum- Chairman, District Level Contractor Level Selection Committee, Katihar.
6. The District Programme Officer-cum- Member Secretary, District Level Contractor Level Selection Committee, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr.Madhaw Prasad Yadaw (GP 23)
		Ms. Meera Singh, AC to GP-23
		Mr. Girijesh Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 26-09-2022 Petitioners have prayed for the following relief(s):

“(i) To issue of an appropriate writ/order/direction in nature of certiorari for quashing the decision dated 25.03.2022 signed on 31.03.2022 taken by the Bihar State Mid Day Meal Committee issued under the signature of Additional Chief Secretary -cum- Chairman, Bihar State Mid Day Meal Committee by which against Agenda No.-2 (Misc.), it was decided



that since the Vehicle used by the Bihar State Food and Civil Supplies Corporation are installed with G.P.S. System and there handling charges are relatively less and they have fair price shop situated in every village therefore the grain to be lifted/distributed under P.M. Poshan Yojana would be executed through B.S.F.C. contractors so that the consistency will be maintained which was communicated by the Director, P.M. Poshan Yojana through letter no. 607 dated 01.04.2022.

(ii) To issue an appropriate writ, order, direction in the nature of certiorari for quashing the decision of Bihar State Mid Day Meal Scheme Committee dated 28.03.2022 bearing Memo No. 649 dated 06.04.2022 issued under the Chairmanship of Chief Secretary where under in para-1 it was decided that since the vehicle used by the B.S.F.C. are installed with G.P.S. system and their handling charges are relatively less, therefore the grain to be lifted/distributed under the P.S. Poshan Yojana would be executed through B.S.F.C. Contractors and on the basis of direction of the Chief Secretary the last date was fixed for 30.06.2022 and thereafter the grain under the P.M. Poshan Yojana will be distributed through the B.S.F.C. Contractor.

(iii) To set aside the letter no. 363/MDM dated 27.05.2022 by which the notice inviting tender published for appointment of contractor Mid Day Meal for the Block Korha so far the petitioners are concerned.

(iv) To issue an appropriate writ, order, direction in the nature of mandamus commanding the respondents to allow the petitioners to contest the appointment of MDM Contractor for the Block Korha in the district Katihar.

(v) To any other relief/reliefs for which the petitioners appears to be found entitled by the Hon'ble Court."



Learned counsel for the petitioner seeks permission to withdraw the present petition, reserving liberty to approach the respondents or file a fresh petition on the same and subsequent cause of action, should the policy decision taken by the respondent of getting the work executed through the agency of Bihar State Food and Civil Supplies Corporation Ltd.

Prayer allowed.

Petition is disposed of as withdrawn with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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