

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19302 of 2021

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Braj Kishore Sharma, Son of Bhrigu Nandan Sharma, Permanent Resident of Parampara, Khamhaini, Arwa, Bihar, Presently residing at Tej Pratap Nagar, Near Beur, Anisabad, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Transport Department, Government of Bihar, Patna.
2. The State Transport Commissioner - cum- Chariman, State Transport Authority, Bihar, Patna.
3. Divisional Commissioner, Patna Division - cum- Chairman, R.T.A., Patna.
4. District Magistrate, Patna.
5. S.P. (Traffic), Patna.
6. Bihar State Road Transport Corporation, Patna through its Administrator, office situated at Sultan Palace, Bir Chand Patel Patha, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha, Advocate

For the Respondent/s : Mr. Ajay Kumar Rastogi, AAG10

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
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 : 05-01-2022



Heard learned counsel for the parties.

Petitioner has prayed for the following relief/s :-

“To issue an appropriate writ, rule or direction in the nature of Public Interest Litigation, commanding and directing the respondents, particularly Respondent No.6, the Bihar State Road Transport Corporation, Patna (for short, herein after referred as “Corporation”) to recall the Tender Notice No. 2768 dated 22.09.2021 (Annexure-1) and stop to open the bid in pursuance thereof, which was published for inviting tender for operation of bus service of about 434 buses on different Inter Regional and Inter State route in which about 304 buses proposed to be operated from Bankipur Bus Stand, Gandhi Maidan, Patna under PPP scheme, which causes serious health problems to the citizens of Patna town and the Corporation is going to adversely pollute Patna town and put great hurdle for making the Patna in to a Smart City as also seriously causing traffic jam.

The petitioner further prays before this Hon’ble Court to issue direction to the Respondent No.2 and 3 not to consider any application of BSRTC for grant of permit for operation of their buses from Bankipur Bus Stand, Gandhi Maidan, Patna.

The petitioner also pray to grant some other relief or reliefs to which the petitioners may be found entitled to in the interest of justice.”

We find the present petition, if not motivated, to be totally misconceived in law.



Petitioner, who claims to be a “Public Spirited Socio-Public Activist” has not disclosed his credentials or the nature of public work which he has been carrying on so as to qualifying himself as a “Public Spirited Socio-Political Activist”.

We find the present petition to be misconceived and motivated also for the reason that the petitioner wants the public to suffer from the public facility i.e. public conveyance for transportation. As such, he wants to recall the tender notice dated 22nd of September, 2021 (Annexure-1) issued by the Respondent No. 6 providing facility of transportation by deputing 434 buses on different inter-regional and inter-State routes.

We could have understood, had the petitioner filed a petition seeking identification of proper place or route that would not congest the area of Municipal Corporation, Patna, but, however, the present petition, in our considered view appears to be totally motivated and nothing less.

Learned counsel for the respondents states that petitioner is a private operator.

We clarify that such fact has not persuaded us in dealing with the petition on merits. We find the present petition



not to be in public interest.

As such, the petition stands dismissed. However,
we refrain from imposing costs.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	10.01.2022
Transmission Date	

