

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18089 of 2019

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Shashi Kumar S/o Sri Awadh Narain Sharma R/o Pashchim Gandhi Maidan,
Jehanabad, PS Jehjanabad, Distt. Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar at Patna
2. Chief Secretary, Govt. of Bihar at Patna
3. Principal Secretary, Welfare Department, Bihar, Patna
4. Director, ICDS, Bihar, Patna
5. Asst. Director-III, Bihar, Patna
6. CEO, Government-e-Marketplace (GeM), Govt. of India New Delhi
7. ACEO, Government-e-Marketplace (GeM), Govt. of India New Delhi
8. Vice President, Government-e-Marketplace (GeM), Govt. of India, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Adv
For the Respondent/s : Mr. Manish Kumar AC to AAG6

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

Date : 02-08-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

(i) To issue an appropriate writ /orders /Direction in the nature of mandamus commanding and directing the respondents authorities to pass an order for a judicial probe or investigation by Central Agency into the matter of purchase of Smart Phones for ICDS (33914) in which at a gross level financial irregularities has been done by the respondents in collusion of the supplier namely NP Infratech Service Private Limited, as the said Smart Phones has been purchased at much higher price than that of market price as market price was about Rs. 6500/- per set for a single piece and respondents has purchased the same in bulk at Rs. 9,153/-,

(ii) Further to issue an appropriate writ mandamus in nature directing the respondents to stay the further purchase of Smart Phones for ICDS (73780) in which process is going vide Bid no. GEM/2019/B/240217.

(iii) Further issuance of writ mandamus in nature directing the respondent state to recover the extra money paid to the supplier in purchase of Smart Phones for ICDS (33914), or to recover from the carrying authorities who are responsible for same.

Having perused the records, we are of the considered view that the matter needs to be closed, for, as is evident, from the response filed by the State of Bihar, to which there is no rebuttal that the Smartphones ICDS(73780) were purchased through Gem Portal maintained by the State, the process, transparent in nature was adopted without excluding any particular person or entity. The purchase was effected not through a particular individual but directly through private

negotiation, as such the present petition is closed.

Accordingly, the writ petition stands disposed of.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA