

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14758 of 2022

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Anish Raju Singh Son of Shri Shambhu Nath Singh Resident of Flat No.-
202, Aditya Homes, Anandpuri, West Boring Canal Road, P.S.- S.K. Puri,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Environment, Forest and Climate Change, Government of Bihar, Patna.
2. The Director, Sanjay Gandhi Biological Park, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate
For the Respondent/s : Mr. Anant Prasad Singh, SC-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-11-2022

Heard learned counsel for the parties.

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

- (a) To issue a writ of mandamus or any other appropriate writ/ order/ direction directing the respondent no.2 tender evaluation committee to open the tender bid of the petitioner vide tender notice no. 03/2022-23 dated 06-09-2022 for the work of providing battery operated vehicles for the visitors of the zoo held on 14-09-2022 and mandamus for quashing the order of the tender evaluation committee dated 14-09-2022, whereby and where under the tender bid of the petitioner has been illegally and arbitrarily excluded.



- (b) To issue a writ of mandamus or any other appropriate writ/ order/ direction for quashing the Letter No.2127 dated 22-12-2016 [contained as Annexure-P/5 to this writ petition], whereby and where under the respondent no.2 the Director, Sanjay Gandhi Biological Park, Patna blacklisted to the petitioner for indefinite period contrary to the judgement passed by the Hon'ble Apex Court in Petition for Special Leave to Appeal (C) No.32840/2018 [M/S Chauhan Builders Raibareli Versus the State of Uttar Pradesh and others] inasmuch as contrary to the agreement.
- (c) To grant any other relief or reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.

It is the petitioner's case that solely on account of order dated 22.12.2016 (Annexure-P/5, Page 20), passed by the Respondent No.2, namely, the Director, Sanjay Gandhi Biological Park, Patna, petitioner is now being prevented from participating in any of the tenders issued by the said authority.

Annexure-P/5 is a communication dated 22nd of December, 2016, whereby the petitioner stands blacklisted. The said communication does not prescribe the duration for such action. However, when we perused the terms and conditions of the Notice Inviting Tender (NIT) in relation to which the petitioner was blacklisted, we find that the duration could not have been more than five years.

The order was passed in December, 2016. Hence, at



this point in time, solely on account of passing of such order, petitioner cannot be precluded from participating in any fresh tender issued by the respondent authority.

Hence, the petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	04.11.2022
Transmission Date	

