

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20549 of 2019

Dynamic Infra and Services India Pvt. Ltd. through its Director, Manoj Kumar Gupta, aged about 64 years, Gender-Male, S/o Deo Nath Gupta, resident of Mohalla-Sadikpur Sarai Lane, P.O.-Gulzarbagh, P.S.-Alamganj, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Director, Department of Health, Govt. of Bihar, Patna.
3. The Joint Secretary, Department of Health, Govt. of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Medical Superintendent, Patna Medical College and Hospital, Patna
6. The Director, S.D. Medical System, Nandan Bhawan, Near Sur Sudha Apartment, East Boring Canal Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Parmeshwar Vishwakarma, Advocate
For the Respondent/s	:	Mr.Birju Prasad (GP 13)
		Ms.Sweta Anand, AC to G.P. 3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-12-2022

Petitioner has prayed for following relief (s) : -

“(a) Issuance of writ in the nature of certiorari for quashing/set aside the allotment of Tender dated 09.08.2018 subsequent to the Advertisement which was issued vide Memo no.5119 dated 29.05.2018 published by the Superintendent, Patna Medical College and Hospital (in short P.M.C.H.), Patna by which respondent authorities in complete violation of the terms of the advertisement, allotted the work to Private Respondent no.6 i.e. M/s S.D. Medical System who was not even fit for selection in Technical bid but on extraneous consideration, the respondent authorities, violating the term and condition as mentioned in tender notice dated



29.05.2018 made selection vide order dated 09.08.2018 which is against the law and thus entire selection process is not tenable in the eye of law, hence fit to be set-aside/quashed.

(b) Issuance of writ in the nature of Mandamus commanding the respondents to declare the petitioner as success full tenderer who has the lowest price amongst other qualified tenderer who fulfill all the terms and conditions as defined under the Advertisement dated 29.05.2018.

(c) The respondents further be directed to issue work order in favour of the petitioner after cancellation of allotment of work dated 09.08.2018 to the Private respondent no.6

d) To grant any other relief/ reliefs for which the petitioner is entitled be awarded to him.”

Learned counsel for the petitioner states that, with the passage of time, the present petition has become infructuous, inasmuch as the tender period stands expired.

As such, the present petition stands dismissed, having become infructuous.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

sujit/chn

AFR/NAFR	
CAV DATE	
Uploading Date	17.12.2022
Transmission Date	

