

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.452 of 2023

M/s Surya Enterprises A Proprietary Firm having its headquarters at Ramkrishna Nagar, P.S.- Ramkrishna Nagar, District- Patna through its proprietor Raj Kumar Singh, aged about 47 years, Son of Late Shri Anup Singh, Resident of NTPC Colony, East of Ram Krishna Nagar, P.S.- Ram Krishna Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Bihar State Text Book Publishing Corporation Limited, An undertaking of the Bihar Government through its Managing Director Pathya Pushtak Bhawan, Buddha Marg, Patna.
3. The Officer on Special Duty, Bihar State Text Book Corporation Ltd., Buddha Marg, Patna.
4. The Additional Secretary, Education Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mrs. Priyanka Singh, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha, GP-27
For the Corporation	:	Ms. Anukriti Jaipuriyar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

2 13-01-2023 Heard Mr. Yogesh Chandra Verma, learned senior counsel, duly assisted by Mrs. Priyanka Singh, learned counsel for the petitioner, Mr. Prabhakar Jha, learned GP-27 and Ms. Anukriti Jaipuriyar, learned counsel for the Bihar State Text Book Publishing Corporation through video conferencing.

2. The present writ petition has been filed for the following reliefs:

“A. A writ in the nature of



CERTIORARI or any other appropriate writ, order/s, direction/s quashing the communication / order sent through mail on 22.12.2022 by the Tendering Authority informing the Petitioner that its bid submitted in response to the Tender No. BSTBPCL/2021-22/8 dated 25.10.2022 was disqualified and the reason for disqualification non-submission of paper under XIII i.e. self-declaration about use of papers supplied by the mill as per direction of the Bihar State Text Book Publishing Corporation Ltd. (hereinafter referred as “Corporation”).

B. A writ in the nature of MANDAMUS or any other appropriate writ/s, order/s, direction/s commanding the respondents for the following:

i. To hold communication / order contained in Annexure – 9 to the petition to be illegal, arbitrary, unjust and based on non-est ground.

ii. To accept the tender submitted by the Petitioner in response to the Tender i.e. NIT REF : BSTBPC/E-TENDER/SSA TEXT BOOKS CLASS-I TO VIII/2023-24/733 DTD- 25.10.2022.

iii. To restrain the Respondent – Corporation from distributing the work to the 28 bidders, whose tenders were said to



have been accepted on 23.12.2022.

C. To any other relief/s to which the petitioner is found entitled to.”

3. After some argument, learned senior counsel appearing on behalf of the petitioner submits that for redressal of the grievance, the petitioner filed a detailed representation before the Additional Chief Secretary, Education Department, as contained in Annexure 8 to the writ petition. It is submitted that the petitioner would be satisfied if the writ petition would be disposed of with a direction to the respondent for disposal of the representation.

4. Ms. Anukriti Jaipuriyar, learned counsel for the Bihar State Textbook Publishing Corporation has no objection.

5. In view of the limited prayer made on behalf of the learned counsel for the petitioner, the present writ application stands disposed off with a direction to the respondent no. 1 (Principal Secretary, Education Department) now Additional Chief Secretary, Education Department, Bihar, Patna to consider and dispose of the representation within ten days from the date of receipt/production of a copy of this order. It is clarified that the Court has not expressed any opinion on the merits of the matter.

6. It is needless to say that the petitioner would be at liberty to submit the copy of the representation (Annexure-8)



along with the present order before the concerned authority for
early disposal.

(Ahsanuddin Amanullah, J)

(Harish Kumar, J)

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