

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.420 of 2023

M/S J.M.D. Press, a Proprietary Firm located near Krishna Niketan Girls School Patna, P.S.- Kadamkuan, District- Patna through its Proprietor Satish Kumar (male), aged about 57 years, Son of Late Kesho Lal, Resident of Patliputra Path, Rajendra Nagar, Central Bank of India Building, P.S.- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. S. K. Ranjan, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar, GP-17
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 Mr. S K Ranjan, learned counsel for the petitioner, Mr. Kameshwar Kumar, learned GP-17 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 MANDAMUS or any other appropriate writ/s, order/s direction commanding the respondents for the following:

i. To consider the E-tender submitted by the petitioner in response to the E-tender NIT Ref: BSTBPC/E-Tender/SSA Textbooks class I to VIII/2023 -24/733 dated – 25-10-2022 issued by the Bihar State Text Book Publishing Corporation Limited.

ii. To hold amendments made on 09.11.2022 and 10.11.2022 in the E-Tender amount to altering the terms of the original E-Tender and the same to be not permissible.

iii. To hold non – consideration of the E-tender submitted by the Petitioner in response to the above E-Tender dated 25.10.2022 to be arbitrary, malafide, unjust, unfair, discriminatory and on non-est ground.

iv. To accept the tender submitted by the petitioner in pursuance to E-tender referred to above dated 25.10.2022.

v. To restrain the Respondents from distributing work to persons whose tender are said to have been accepted on 23.12.2022.

B. To any other relief/s to which 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 7 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 concerned 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-7) along with the present order before the concerned authority for



early disposal.

(Ahsanuddin Amanullah, J)

(Harish Kumar, J)

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