

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1421 of 2023

Devendra Prasad Son of Shri Ramjanam Singh Resident of Village
Pandeypur, P.S.- Neura, District- Patna (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Health Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary Health Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Health Department, Government of Bihar, Patna.
4. The Chairperson, State Health Society, Bihar, Patna.
5. The Secretary, State Health Society, Bihar, Patna.
6. The Director-in-chief (Administrative) cum Chairman, Technical Bid Committee, State Health Society, Bihar, Patna.
7. The Executive Director, State Health Society, Bihar, Patna.
8. Pashupatinath Distributors Pvt. Ltd., F-2, Chandi Vyapar Bhawan, Exhibition Road, Patna.- 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s :	Mr. Koushlendra Narayan, Advocate
For the Respondent/s :	Mr. S.D. Yadav, AAG-9
	Mr. B.B. Mishra, AC to AAG-9
For State Health Society :	Mr. Kishore Kumar Sinha, Advocate
	Mr. Shashi Shekhar, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 07-02-2023

The petitioner claims to be a social activist, who has been actively involved in social welfare works for public cause. He has made a declaration that he has got no personal interest directly or indirectly in the matter involved in the present writ



application filed under Article 226 of the Constitution in the nature of Public Interest Litigation.

The petitioner in the present writ application is seeking quashing of the entire tender process including the result of technical bid arising out of NIT Reference “01/SHSB/PPP(AMBULANCE)/2022-23, whereby private respondent no. 8 has been declared successful. It is the petitioner’s grievance that respondent no. 8 has been given benefit of relaxed/revised terms and conditions of the ‘Request For Proposal’ (RFP) in contravention of resolution of pre-bid meeting dated 18.04.2022, for oblique reasons and with mala fide intention, directed to select an ineligible and incompetent bidder, i.e., respondent no. 8, thus, frustrating the interest of the residents of the State at large. He is also seeking a direction to the respondents to start a *de novo* process of the tender bid afresh for 102 ambulances by publishing a fresh advertisement.

From the facts asserted in the writ application, it transpires that an NIT was issued vide NIT Reference No. - 01/SHSB/PPP (Ambulance)/2022-23, inviting eligible persons to participate in e-tender process for selection of agency for operation and management of fleet of ambulances and mortuary vans through Integrated Centralized Call Center in the State of



Bihar under Public Private Partnership (PPP) mode. It is further evident from the pleadings on record that respondent no. 8, who had participated in the tender process, has been awarded the tender. Various grounds have been taken in the writ application to question selection of respondent no. 8 for the purpose of award of the above noted work. On close reading of the pleadings on record, it transpires that the petitioner has not raised any real public issue, rather he has raised grounds to assail award of contract in favour of private respondent no. 8.

This writ petition, in the nature of Public Interest Litigation, in our view, lacks bona fide and amounts to abuse of the process of the Court. Accordingly this writ application deserves to be dismissed with cost in order to discourage filing of such frivolous writ applications in the nature of Public Interest Litigation. In the facts and circumstances of the case we deem it proper to impose exemplary cost in this case, which is quantified as 50,000/- to be paid by the petitioner in the account of the Bihar State Legal Service Authority within two months from today.

We make it clear that we have not gone into the correctness or otherwise of the award of contract in favour of respondent no. 8. Any person, having *locus standi* to question



the said process, shall be at liberty to take appropriate steps in that regard.

(Chakradhari Sharan Singh, ACJ)

(Partha Sarthy, J)

shiv/-Spd/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

