

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3759 of 2018

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1. Md. Ejaj Son of Kitabudyin Khan, Resident of Mohalla- Baswaria, Ward No.- 28, Police Station- Bettiah Town, District- West Champaran.
 2. Amit Kumar, Son of Shambhu Nath Prasad, Resident of Village- Gidha, Police Station- Chanpatiya, District- West Champaran.
 3. Raj Kumar Prasad, son of Late Dinanath Prasad, Resident of Village- Aguniaha, Police Station- Chutarua Banahia-I, District- West Champaran.
 4. Mukesh Prasad Chaurasia, Son of Shivnath Bhagat, Resident of Village- Bhawanipur, Police Station- Srinagar, District- West Champaran.
 5. Raj Kumar, Son of Sitaram Rao, Resident of Village- New Coloney Basawariya, Ward No. -3, Police Station- Muffasil Bettiah, District- Bettiah.
 6. Ratnesh Kumar, Son of Ghanshyam Prasad, Resident of Ward No. 2, Chanpatiya, Police Station- Muffasil, District- West Champaran.
 7. Junaid Shams, Son of Late Md. Shamsuddin Miyan, Resident of Baswariya, Ward No.- 29, Police Station- Bettiah Town, District- West Champaran.
 8. Sanjay Kumar, Son of Baidhnath Prasad, Resident of Purbi Kargahiya, Police Station- Muffasil Bettiah, District- West Champaran.
 9. Sujit Kumar, Son of Dhrup Prasad, Resident of Ilamram Chowk, Ward No.- 18, Police Station- Muffasil Bettiah, District- West Champaran.
 10. Vinit Kumar Upadhyay, Son of Pramod Upadhyay, Resident of Ary Nagar, Ramnagar, Bally Bazar, Police Station- Muffasil, District- West Champaran.
 11. Nitesh Bhardwaz, Son of Kanhaiya Pathak, resident of Village- Murera, Police Station- Ramnagar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna
2. The District Magistrate-cum-Chairman, District Level Selection Committee, Midday Meal Programme, We
3. The Director Midday Meal Programme, West Champaran, Bettiah.
4. The District Programme Officer-cum-Secretary, District Level Selection Committee, Midday Meal Progr



5. The District Education Superintendent, West Champaran, Bettiah.
6. The District Education Officer, West Champaran, Bettiah.
7. The Sub-Divisional Education Officer, West Champaran, Bettiah.
8. The District Programme Officer, Midday Meal Programme, West Champaran, Bettiah.
9. The Officer In-charge, Midday Meal Programme, West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Advocate
Mrs. Smriti Singh, Advocate
For the Respondent/s : Mr. M.P. Yadav, GP-23

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 23-01-2023 Petitioners have prayed for the following relief(s):-

“For issuance of writ in the nature of certiorari for quashing of the order passed by the Director, Midday Meal Programme, Bihar, Patna contained in Memo No. 193 dated 29.01.2018 wherein it has been directed that the vehicle being used for transportation of the food articles shall be equipped with the G.P.S. system and the expenses for installation of the said G.P.S. system shall be borne by the selected contractors.

ii) For issuance of writ in the nature of certiorari for quashing of the guidelines dated 20.11.2017



issued under the signature of the Director, Midday Meal Programme, Bihar, Patna, whereby certain erroneous condition have been laid down for the selection of contractors without having any reasonable basis for the same.

iii) For issuance of writ of mandamus commanding the respondents to appoint/select the petitioners as contractors in the concerned area for the year 2018-19 and 2019-20 in view of the fact that the petitioners have been working as contractors for transportations of the midday meal since long without interruption.

iv) For issuance of writ in the nature of certiorari for quashing of the tender notice dated 04.02.2018 and accordingly the order contained therein also be quashed whereby the earlier tender notice dated 09.09.2017 has been cancelled.

v) For issuance of writ of mandamus commanding the respondents to finalize the tender as per earlier tender notice dated 09.09.2017 without putting any additional/supplemental clause by way of a notification dated 29.01.2018.

vi) For issuance of writ of mandamus commanding the respondents to grant compensation to the petitioners who have been continuously applying for selection in view of the tenders being issued by the respondent authorities and the said tenders being cancelled time and again and also considering the fact that five tenders have been issued by the department in two years.



vii) For issuance of a direction to the respondent authorities to revise the payment being made to the contractors in view of the fact that the payment is being made at Rs. 40/- per quintal in view of the guideline dated 25.04.2011 and the new guidelines dated 20.11.2017 is completely silent on the point of revision/enhancement of the payment structure.

viii) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.”

Learned counsel for the petitioner seeks permission to withdraw the present petition, for the same having rendered infructuous.

Permission granted.

The instant petition stands disposed of as withdrawn.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

P.K.P./Amrendra

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