

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12803 of 2017

Phool Kant Chaudhary son of Sri Ram Sewak Chaudhary Resident of Village - Lagunia, Raghunath, Police Station - Muffasil, Samastipur and District - Samastipur, Proprietor M/S P.K. Construction Building Construction and General Order Suppliers, At/P.O. - Lagunia, Raghunath, Police Station - Muffasil, Samastipur and District - Samastipur.

... .. Petitioner/s

Versus

1. The Union of India through the Chairman, Railway Board, New Delhi.
2. The General Manager, East Central Railway, Hajipur.
3. The Divisional Railway Manager, East Central Railway, Samastipur.
4. The Senior Divisional Engineer (Cordination), East Central Railway, Samastipur.
5. The Divisional Engineer, Head Quarter, East Central Railway, Samastipur.
6. The Additional General Manager cum Chief Vigilance Officer, East Central Railway, Samastipur.
7. Dilip Kumar son of Krishnadeo Prasad Singh Resident of Mohanpur Road, Kashipur, Mishra Complex, Police Station and District - Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 26-04-2023 In the instant petition, petitioner has prayed for the following relief(s):-

“I. I. To quash the Tender Notice No. TC/113/SPJ dated 29.05.2017 by which work of provision of RPF Barrack of 20 Bedded for Reserve RPF at Samastiur and Sitamarhi and construction of out post of Banmankhi post has been allotted to Private Respondent no. 7 who is second lowest bidder.

II. To direct the respondent no. 6 to enquire into the matter as to why and in which circumstances aforesaid work has been allotted to 2nd lowest bidder by the respondent no. 5 by way of taking illegal gratification issued letter of acceptance to the private respondent no.7

III. To direct the respondents to res and the contract of the private respondent no. 7 who has offered bribe to the respondent no. 5.



IV. To direct the respondents to enquire into the matter as to why and which circumstances work as allotted to 2nd lowest bidder and issued letter of acceptance to private respondent as such a financial rate to the tune of Rs. 13,00,000.00/= differs in comparison to the 1st lowest bidder and 2nd lowest bidder for which no negotiation was ever happened and process of counter offer has not been competed.

V. To any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

The present petition is filed in the year 2017, till date learned counsel for the petitioner has not made any efforts to get it posted. That apart, the subject matter of tender has spent its force, in other words, 7th respondent must have executed the work by this time. That apart, the petitioner has made very vague allegation against the 5th respondent alleging that he had accepted illegal gratification while allotting work to the private respondent no. 7, who is stated to be second lowest bidder. The petitioner has not arrayed 5th respondent by name. Even, on this count, the present petition is not maintainable as against 5th respondent.

In the light of these facts and circumstances, the present petition does not survive for consideration.

Accordingly, present petition stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

shoaib/-

U			
---	--	--	--

