

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2996 of 2023

Atharva Healthcare Traders through its Proprietor namely Sapna Pandey Female aged about 36 years wife of Kumar Pravin Resident of Flat No. 404 Harshita Apartment, Rupaspur, Near Devi Asthan, P.S.- Rupaspur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The District Health Society, through its Chairman, West Champaran.
4. The District Magistrate cum Chairman, District Health Society, West Champaran.
5. The Civil Surgeon cum Member Secretary, District Health Society, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Shekhar Kumar Prasad, Advocate
For the Respondent/s	:	Mr. Ajay Behari Sinha, GA-8
		Mr. Neeraj Raj, AC to GA-8
		Mr. Kishore Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

- 2 21-04-2023 1. The petitioner by way of this writ petition states that the respondents have not implemented their supply order dated 26.03.2022 in spite of the fact that the drugs were made available for supply within one week from the day supply orders were issued.
2. Learned counsel for the petitioner submits that the respondents were obliged to receive the medicines, which they had ordered in terms of the quotation submitted by the



petitioner, which was found to be L-1. The respondents have not replied to the any of his representation and directions ought to be issued to the respondents for the said purpose.

3. I have considered the submission and perused the records. This Court finds that on 26.03.2022, the District Health Society had issued supply orders for supplying of various drugs to the petitioner, whose quotation was found to be L-1. However, he did not supply the same and on 06.12.2022, for the first time, he had written to the respondents stating that the medicines are lying in his store, but have not been accepted by the authorities. The allegations are wholly vague. It is apparent that the supplier of the drugs has been first offered only on 06.12.2022, which is much late in point of time. The respondents, therefore, cannot be faulted. Moreover, writ petition for such matters also does not lie, as if, there is a breach of contract, the provisions of Specific Relief Act, 1963 would apply.

4. The writ petition is wholly misconceived and frivolous and accordingly, the same is dismissed.

(Sanjeev Prakash Sharma, J)

Amrendra/-
Item no. 12

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