

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2993 of 2023

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Emediserve Multiventure Pvt. Ltd. through its Director namely Kumar Pravin Male aged about 36 years Son of Shri Vinod Kumar Pandey, 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

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

- 2 18-04-2023 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, it 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 record, 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 he has written for the first time 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 would apply.

4. The writ petition is wholly misconceived and frivolous.

5. Accordingly, the writ petition stands dismissed with costs of Rs. 20,000/- to be deposited with the Bihar State Legal Services Authority.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 48

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