

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3848 of 2023

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Bhabha Institute of Social Services Prabhunath Nagar, P.O.- Tandi, P.S.- Chapra Muffasil, Distt.- Saran (Bihar) through its Secretary, Shri Arvind Kumar Singh, Male aged about 65 years, son of Saryu Singh, resident of Prabhunath Nagar, P.O. and P.S.- Chapra, District- Saran, Pin Code- 841301.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Bihar, Patna.
2. State Health Society, Health Department, Bihar, Patna through its Executive Director.
3. Executive Director, State Health Society, Health Department, Bihar, Patna.
4. District Health Society, Siwan, through its Member Secretary-cum-Civil Surgeon, Siwan.
5. District Magistrate, Siwan-cum-Chairman, District Health Society, Siwan.
6. Civil Surgeon-cum-Member Secretary, District Health Society, Siwan.
7. Jan Kalyan Samiti, Khash Mahal, Road No. 3, Chiraiya Tar, P.O.- GPO, District- Patna, Pin Code- 800001 through its Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava

For the Respondent

State Health Society : Mr. K. K. Sinha, Advocate

For the Respondent No. 7: Mr. Sanjay Kumar, Advocate

For State : Mr. Kamlesh Kishore, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 23-06-2023

The instant petition has been filed for following reliefs:

(i) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the office order dated 04.02.2023 bearing memo no. 121 issued by the Civil Surgeon-cum-Member Secretary, District Health Society, Siwan, by which respondent no. has been declared to be L1 and accordingly, has been allotted / awarded the work with respect to providing cleaning services at the Government Health Care Facilities in the district of Siwan pursuant to notice inviting tender dated 30.08.2022 issued by the concerned authorities under the District Health society, Siwan.

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities to take steps towards considering the case of petitioner for allotment / award of the work with respect to providing cleaning services at the Government Health Care facilities in the district of Siwan pursuant to the notice inviting tender dated 30.08.2022 in view of the fact that all other bidders who had been declared to be successful and who were ranked above the present petitioner have quoted rates for the work, in question which were financially unviable and in respect of which show cause notices had also been issued by the



concerned authorities under the District Health society, Siwan by different letters dated 10.12.2022.

(iii) Issuance of a declaration holding that the action on the part of the concerned respondent authorities under District Health Society, Siwan in awarding the work, in question in favour of respondent no. 7 declaring it to be L1 in the process of tender is untenable in the eyes of law;

(iv) Issuance of an ad interim direction upon the concerned authorities under District Health Society, Siwan to refrain from acting in furtherance of the office order dated 04.02.2023 bearing memo no. 121 issued by the District Health Society, Siwan by which respondent no. 7 has been declared to be L1 and accordingly, take no further steps towards allotment of the work, in question in its favour;

(v) Any other relief that the petitioner may be found to be entitled to in the facts and circumstances of the present case.

2. The petitioner and nine others have participated in the process of NIT dated 30.08.2022 in respect of providing cleaning services for various Government Health Care facilities in the district of Siwan, both internal and external. The petitioner, Bhabha Institute of Social Services had quoted total cleaning rate @ Rs. 12.58 whereas Respondent No. 7, Jan Kalyan Samiti has quoted @ Rs. 12.166.

3. Learned counsel for the petitioner submitted that the above cleaning work cannot be undertaken at the rate of Rs. 12.166



since the minimum rate is required to be taken note of. If a minimum rate is taken into account, allotment of work to Respondent No. 7 is not in order and it is arbitrary and illegal.

4. Per contra, learned counsel for Respondent No. 7 submitted that there is no infirmity in allotment of work with reference to the rate quoted by him. In this regard, he has pointed out the minimum rate per square is Rs. 12.16 as also evident from show-cause dated 10.12.2022 whereas he has quoted 12.166. Therefore, the petitioner has not made out a case.

5. Heard counsels for the respective parties.

6. Question for consideration in the present case is whether allotment of work order in favour of Respondent No. 7 pursuant to the NIT, dated 30th of August, 2022 is in order or not?

7. The contention of the petitioner that 7th Respondent has quoted a sum of Rs. 12.166, with this rate he can not execute the internal and external cleaning with certain material etc. On the other hand he has quoted at Rs. 12.58.

8. The petitioner has not apprised this Court as to whether was there any minimum rate fixed for the purpose of examining who has quoted least.

9. On the other hand, perusal of show-cause dated 10.12.2022, it is evident that minimum is a sum of Rs. 12.166. In



other words, the Respondent No. 7 has quoted Rs. 12.166 which is just above the minimum rate.

10. In view of these facts and circumstances, the petitioner has not made out a case. Accordingly, the petition stands rejected.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

skm/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	27.06.2023
Transmission Date	

