

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6418 of 2023

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1. M/s Vijay Bahadur Thapa Security Agency through its proprietor Mr. Vijay Bahadur Thapa (M), aged about 59 years, S/o Shri Kishan Singh Thapa, resident of Plot No. 01, Bunglow No. 02, Hill Range, Phase- 3, Devlali Camp, Barnes High School, Nashik Maharashtra- 422401.
 2. Mr. Vijay Bahadur Thapa, S/o Shri Kishan Singh Thapa resident of Plot No. 01, Bunglow No. 02, Hill Range, Phase- 3, Devlali Camp, Barnes High School, Nashik Maharashtra- 422401.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna, Bihar- 800015.
2. District Magistrate cum Chairman, District Health Society, Maharaja Hata, Katira, Ara, Bhojpur, Bihar- 802301.
3. Civil Surgeon cum Member Secretary, District Health Society, Sadar Hospital, Ara, Bhojpur, Bihar- 802301.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.
For Respondent Nos. 2 & 3:		Mr. (Dr.) Anand Kumar, Advocate
		Mr. Ramesh Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 11-08-2023

None appears for the petitioner.

2. In the instant petition, petitioner has prayed for following reliefs:-

"1. That by way of this writ application, the petitioner seeks indulgence of this Hon'ble Court for issuance of appropriate writ/writs, order/orders, direction/directions for the following reliefs:-

(I) To issue a Writ of



Mandamus or any other Writ or Writs, direction or directions commanding upon the Respondents to accept the tender given by the Petitioner for hiring of private security guards at DHS, Bhojpur as per Advertisement No. 226/ DHA dated 04.02.2023 issued under the signature of D.M. cum Chairman, DHS, Bhojpur since the Petitioner fulfills all the required criteria as laid down under Clause 3 read with other clauses but wrongly and illegally, Respondents have disqualified the Petitioner orally in the Technical round which was held on 17.03.2023 and till now no Financial round has taken place.

(II) To pass any such order or orders as your Lordships may think fit and proper under the facts and circumstances of the case."

3. Perusal of the counter affidavit along with Annexure- A it is evident that petitioner has been disqualified, vide Item No. 19, Vijay Bahadur Thapa Security Agency. Petitioner has not assailed Annexure- A dated 17.03.2023. In the absence of assailing the disqualification communication dated 17.03.2023 (Annexure- A to the counter affidavit), grievance of the petitioner insofar as directing the concerned respondent to accept his tender is not maintainable.



4. Accordingly, the present petition stands dismissed, reserving liberty to the petitioner to assail the disqualification communication dated 17.03.2023 and such other relief including the relief sought in the present petition.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	21.08.2023
Transmission Date	N.A.

