

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19583 of 2015

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Harish Kumar Hora son of Onkar Nath Hora, resident of Mohalla- Kachchi Sarai, Ara Machine Lane, Amar Cinema Road, P.S.- Mithanpura, Dist-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Home Commissioner, Home Jail Department, Bihar, Patna.
3. The Director Work Shop, Jail Inspectorate, Home Jail Department, Bihar, Patna.
4. The Inspector General, Jail, Bihar, Patna.
5. The District Magistrate-cum-Chairman, District JAil Purchase Committee, Muzaffarpur.
6. The Additional District Magistrate, Muzaffarpur.
7. The Jail Superintendent, Shahid Khudiram Bose Central Jail, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nityanand, Advocate
For the Respondent/s	:	Mr. Shankar Kumar Thakur, AC to GP 27
		Mr. Prabhakar Jha, GP 27

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

6 22-06-2023 Today, learned counsel for the respondent filed supplementary counter affidavit.

2. The same is taken on record.

3. On 05.05.2023, following order was passed:

“The petitioner is one of the contractors for supply of certain materials to the Jail of Muzaffarpur District. Petitioner is one of the successful bidders for four items. In this regard, competent authority has



issued work order/supply order on 01.03.2012 with reference to the price quoted by the District Purchase Committee read with petitioner's acceptance. Such supply of material was for the period from 01.04.2012 to 31.03.2013. When things stood thus, I.G. Prison took a decision that wherever the price quoted for some of the articles were on higher side, therefore, he had given a proposal to alter such prices for example *Arhar Dal* which was supplied by the petitioner at rate of ₹60 and it has been modified to ₹46.94, such decision is dated 23.08.2012.

2. In the absence withdrawal or modification of supply work order dated 01.03.2012, abruptly the respondents cannot alter the price of commodity which is being supplied by the petitioner.

3. Learned counsel for the respondent is hereby directed to secure instructions as to whether pursuant to 23.08.2012 decision of the I.G. Prison insofar as fixation of price for various items whether District Purchase Committee has proceeded to withdraw the supply or work order dated 01.03.2012 of the petitioner or not?

4. Further, whether re-tender process was ordered for the year 2012-2013 i.e. after 23.08.2012 or not. On the other hand, the petitioner is stated to have supplied commodities for the entire year commencing from 01.04.2012 to 31.03.2013. In such an event whatever the difference is claimed by the petitioner is required to be extended to him.

5. Relist this matter on 12.05.2023, it is made clear that no further time would be granted, for the reasons that matter is of the year 2015.



6. At this stage, learned counsel for the petitioner submitted that identical matter was subject matter of litigation before this Court in writ petition, LPA and before the Apex Court. In this regard, the petitioner has stated in Para 8 of the rejoinder. Therefore, the 4th respondent – Inspector General, Jail, Bihar, Patna is hereby directed to file his personal affidavit as to whether the present matter is covered in favour of the petitioner or not?”

4. Grievance of the petitioner has been redressed on 01.06.2023 as is evident from Annexure – D to the supplementary counter affidavit filed today.

5. Accordingly, the present petition does not survive for further consideration. Hence, writ petition stands disposed of.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

GAURAV S./-

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