

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10754 of 2016

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M/s A To Z Protection And Amc Services Pvt. Ltd. S/o Sri S.N. Jha, resident
of Shanti Nagar, Madhubani near Chunapur Road, Purnea, District- Purnea.
... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Health,
Government of Bihar, Patna
2. The Collector-cum-Chairman, District Health Committee, District- Purnea.
3. The Deputy Development Commissioner-cum-Vice Chairman, District
Health Committee, Purnea.
4. The Civil Surgeon-cum-Member Secretary, District Health Committee,
District- Purnea.
5. Chaitanya Bihar Vikas Sanstha, Kantifactory, Kankarbagh, Patna.
6. Rahid Alam, Azad Nagar, Purnea, P.S.+District-Purnea
7. Maa Gayatri Lok Kalyan Samiti, Darbhanga, P.S.+District-Darbhanga
8. Kaushal Kumar, Sri Nagar, Purnea, P.S.+District-Purnea
9. Maa Kamakhya Construction, Purnea, P.S.+District-Purnea
10. Ang Foundation, Shanti Bhawan, Tilka Manjhi, Bhagalpur, District-
Bhagalpur.
11. Association Pharma, Purnea, P.S.+District-Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Ajit Kumar, G.A.-9 Mr. Arvind Kumar AC to GA-9

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

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

7 09-05-2023 None appears for the petitioner. The matter is of the
year 2016.

02. In the instant writ petition, petitioner has prayed
for the following relief(s):-

“1. That this writ application is being

filed for issuance of an appropriate writ/writs, order or orders in the nature of certiorari for quashing of the of the order bearing Memo No.683 dated 25.05.2016 issued under the signature of Civil Surgeon-cum- Member Secretary, District Health Society, Purnea respondent no.4 by which the tender application filed in pursuance to the notice inviting tender dated 18.03.2016 has been cancelled and financial bid of the petitioner has not been open by the respondent no 4 in a most mechanical way only to debar the petitioner from allotment of the aforesaid work as the petitioner was the most efficient and experienced tenderer for the said work having vast experience of the work to be assigned and further for issuance of an appropriate writ in the nature of mandamus for directing and commanding the respondents to directing and commanding the respondents to open the financial bid of the petitioner and consider the case of the petitioner for allotment of the aforesaid work issued by the aforesaid notice inviting tender dated 18.03.2016 and further for any other appropriate relief or reliefs for which the petitioner is entitled in the facts and circumstances of this case.”

03. During pendency of the present writ petition, the

petitioner was blacklisted and debarred from participating in future tender process of the district. Consequential relief sought by the petitioner was stayed by this Court on 03.10.2016 while taking note of Interlocutory Applications like I.A. No. 5975 of 2016, I.A. No. 7419 of 2016 and so also I.A. No. 7418 of 2016.

04. Perusal of record, it is evident that the petitioner is not entitled to the relief(s) sought in the main petition for the reasons that there is no interim order insofar as opening of financial bid of the petitioner with a rider that such opening of the financial bid is subject to result of the present petition. In other words, NIT has spent its force while allotting work to contesting respondents. Insofar as debarring and blacklisting is concerned, it is evident that petitioner has not been heard.

05. Therefore, the petitioner has made out a case, insofar as blacklisting order dated 16.08.2016 and it is set aside, reserving liberty to the concerned authority to proceed in accordance with law after taking note of judicial pronouncement like the principles laid down by the Apex Court in the case of ***UMC Technologies Pvt. Ltd. vs. Food Corporation of India and Anr.***, reported in ***(2021) 2 SCC 551*** and later decision in the case of ***Isolators and Isolators Through Its Proprietor Mrs. Sandhya Mishra vs. Madhya Pradesh Madhya Kshetra Vidyut***

Vitran Co. Ltd. and Anr., reported in *2023 LiveLaw (SC) 330*
(Para-34).

06. The concerned respondent is permitted to take further action after following the due process of law within a period of four months from the date of receipt of this order.

07. Accordingly, the writ petition stands allowed in part.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/-
himanshu/-

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