

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7912 of 2023

M/s Medical Pollution Control Committee a Non- Governmental Organisation registered under the Societies Registration Act, 1860, having its registered office at 21, E-Block, Panki, Kanpur, PIN - 208020, Uttar Pradesh, through its authorized signatory Er. Indu Shekhar Singh, aged about 74 years, male, son of Late Maulichand Prasad, resident of Guru Sahay Lal Nagar, P.O. - Ashiana Nagar, P.S. - Rajiv Nagar, Patna, Bihar (800025).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Environment, Forest and Climate Change, Government of Bihar, Vikash Bhawan, Patna.
2. The Principal Secretary, Department of Environment, Forest and Climate Change, Government of Bihar, Vikash Bhawan, Patna.
3. The Bihar State Pollution Control Board, through its Chairman, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS- B/2 Patliputra Industrial Area, Patliputra, Patna (Bihar) - 800010.
4. The Chairman, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS-B/2 Patliputra Industrial Area, Patliputra, Patna (Bihar) - 800010.
5. The Member-Secretary, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS-B/2 Patliputra Industrial Area, Patliputra, Patna (Bihar) - 800010.
6. The Bihar State Electronics Development Corporation Limited, Through its Managing Director, registered office at Beltron Bhawan, Shastri Nagar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumaresh Singh, Advocate
For the Respondent/s	:	Mr. Girijesh Kumar, Advocate
For BSPCB	:	Mr. Abhimanyu Kumar, Advocate

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

Date : 21-06-2023

The petitioner has unnecessarily impleaded State as party, in the absence of any relief sought against the State.



Accordingly, the petitioner is hereby directed to delete the 1st respondent during the course of the day.

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

“i) For issuance of a writ in the nature of Certiorari or any other appropriate writ or order for quashing of the entire tender process with respect to Notice Inviting e-Tender no. CL/884/2022 / 210 dated 22.12.2022 floated by Bihar State Pollution Control Board for "Selection of Entrepreneur/Service Provider for Setting Up & Operating "Common Bio-Medical Waste Treatment Facility (CBWTF)" in Bihar Patna: 01; Gopalganj: 01; Madhubani: 01; Purnea: 01, Sasaram: 01, Muzaffarpur: 01 and Bhagalpur: 01)" and the subsequent Corrigenda thereto;

ii) For issuance of a writ in the nature of Certiorari or any other appropriate writ or order for quashing the Corrigendum No. 4 dated 22.02.2023 to the Notice Inviting e-Tender no. CL/884/2022/210 dated 22.12.2022;

iii) For directing the respondents to issue afresh the entire tender which is aligned and in consonance with the online e-tender filing process;

iv) For issuance of any other appropriate writ, order or direction which Your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. The petitioner is stated to have submitted the bid for all the seven locations. It is alleged that only in respect of one location, bid is stated to have been accepted and for the remaining six locations, no action has been taken. In this backdrop, the petitioner cannot question the validity of tender process. At the best, he has to approach the concerned authority to take a decision on the remaining six locations. Such material



is not available, therefore the present writ is not maintainable.

4. Accordingly, present writ petition stands dismissed, reserving liberty to the petitioner to approach concerned authority in seeking appropriate relief in the form of representation. If such representation is furnished by the petitioner, the concerned authority is hereby directed to pass a suitable order and communicate the same to the petitioner.

5. At this stage, learned counsels for both the parties submitted that the process of financial bid has attained finality. If the petitioner is still aggrieved, he is at liberty to question the validity of successful bidders’ process, in accordance with law.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

shoaib/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.06.2023.
Transmission Date	NA

