

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9945 of 2023

1. Pranav Kumar Son of Sri Shobhakant Choudhary resident of Ward No 7, Dhamauaa Pataili P.O. Pataili, P.S. Ujjiyarpur and District - Samastipur.
2. Rakesh Ranjan, son of Sri Rabindra Nath Thakur, and resident of Tajpur Road, P.O. Dharampur P.S. Samastipur Muffasil and District - Samastipur.
3. Dharmendra Kumar Jha, Son of Late Krishna Bhagwan Jha, and resident of ward no 12, P.O Jhakhra P.S. Sarairanjan and District Samastipur Bihar 848127.
4. Chandan Kumar Jha, Son of Sri Ravindra Jha resident of village Jhakhra P.O. Jhakra P.S. Sarairanjan and District Samastipur Bihar 848127.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Additional Chief Secretary, Department of Food and Civil Supplies, Bihar Patna.
3. The Bihar State Food and Civil Supplies Corporation Limited, Khad Bhawan, Road No.2, R. Block Daroga Rai Path, Patna through its Managing Director.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited Khad Bhawan, Road No. 2, R. Block, Daroga Rai Path, Patna.
5. The General Manager, Public Distribution System, Bihar State Food and Civil Supplies Corporation Limited, Khad Bhawan, Road No. 2, R. Block, Daroga Rai Path, Patna.
6. The District Magistrate cum Chairman District Transport Committee, Samastipur.
7. The District Manager, Bihar State Food and Civil Supplies Corporation, Samastipur.
8. The Motor Vehicle Inspector, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Aditya Prakash Sahay
For the Respondent/s : Mr. Anjani Kumar (AAG-4)

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

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

2 01-08-2023 In the instant petition, petitioner has prayed for the



following relief :

“a. For issuance of order(s), direction(s), writ(s) particularly in the nature of writ of mandamus for a direction upon the respondent authority to accept the bids of the petitioners for selection and empanelment of transportation cum Handling Contractors for Main Transportation of food grains as well as Door Step Delivery (DSD) for Samastipur District after expiry of last date as the petitioners have been deprived/ prevented by the respondent authorities to submit their bid papers on time and it is admitted fact that the date of submission of the bid was from 01.06.2023 to 15.06.2023 during which period the petitioners were supposed to submit their bids after getting Fitness Certificates as well as other documents of the vehicles counter signed by the Motor Vehicle Inspector (MVI) of Samastipur district as per clause 8(ix) of the NIT, who (MVI) was admittedly on official leave from 30.05.2023 to 11.06.2023 and after assuming the office, the respondent Motor Vehicle Inspector provided the required documents at 2.00 pm on 15.06.2023, which was the last date and this fact has also been accepted by District Magistrate, Samastipur, who has also requested the respondent Corporation to extend the last date for submission of bids but the respondent corporation had arbitrarily refused to extend the date of bid.

b) For issuance of order(s), direction(s), writ(s)



particularly in the nature of writ of certiorari for quashing the letter bearing no.4893 dated 28.06.2023 issued by General Manager, State Food Corporation, Patna whereby and where under the proposal of the District Transport Committee for extension of the last date for submission of bid has been refused.

c) Or in alternative, respondent authorities may be directed to extend the last date of submission of bid.

d) For any other relief(s) for which the petitioners are entitled for."

2. The petitioner is aggrieved by the non-acceptance of his bid on the last date beyond the time limit stipulated i.e after 2:00 pm and bid is stated to be presented at 5:00 pm and the same was not accepted. In the result, he had submitted representation apprising various issues to the concerned authority and it was rejected vide letter bearing no. 4893 dated 28.06.2023. Hence the petition.

3. No doubt, for preparation of bid papers, time fixed by the concerned authority is only for about 15 days. Certain papers were required to be issued by the Government officials. Therefore, there may be delay in processing the file before the officials. Hence, fixing of time limit only for 15 days would be unreasonable. At the same time, petitioner should have challenged the time limit stipulated at the earliest point of time



i.e, before expiry of that date for submission of bid.

4. If the petitioner is of the view that the time limit of fifteen days for submission of bid, is too short and it is unreasonable, in such an event, he should have questioned the validity of the cutoff date as 15.06.2023 at 2 pm. There is no challenge to such date and time so as to alter the date on the sole ground that it is unreasonable. In the absence of questioning the last date of submission of bid on 15.06.2023, this Court cannot entertain and extend the last date.

5. Fixation of date for submission and last date of submission of bid is vested with the concerned authority. Therefore, the petitioner has not made out a case.

Hence, the Writ Petition stands dismissed.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Skm/chandan/-

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