

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16496 of 2022

Probit Plus Private Ltd. having its registered office at 11/1A, Sukh Sagar Nagar, Katraj, District- Pune through its Chief Operating Officer Aarty Shirish Kale, aged about 50 years (Female) wife of Shirish Kale, Resident of E-40/02, DRDO Township, Phase- II, C.V. Raman Nagar, Bangalore-560093.

... .. Petitioner/s

Versus

1. The Chief General Manager Bharat Sanchar Nigam Limited, Bihar Circle, Patna.
2. The General Manager, Bharat Sanchar Nigam Limited, Bihar Circle, Patna.
3. The Assistant General Manager, Bharat Sanchar Nigam Limited, Bihar Telecom Services, Sanchar Sadan, Budh Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Respondent/s : Mr. H.P. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

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

Date : 14-09-2023

Heard learned counsels for the respective parties.

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

“(i) Letter No. 50-137/EB/BR/BSDM_Tender/2021-22/100 dated 25.04.2022 issued under signature of respondent No. 3 (contained in Annexure -) by which the respondents has banned/debarred the business dealing for three years with the petitioner so far it relates to Bihar Circle, may be quashed.



(ii) Respondents may be directed to act according to the agreement made between BSNL and the petitioner, valid for whole of the country and as such not to disturb the petitioner.

(iii) Respondents may also be directed to obey the policy decision of the BSNL which do not permit to ban / debar the petitioner in any manner as it would taken as gross misconduct by the respondents.

(iv) Any other relief/reliefs for which the petitioner is entitled under the law may be provided.”

3. Insofar as questioning the validity of the Letter No. 50-137/EB/BR/BSDM_Tender/2021-22/100 dated 25.04.2022 passed by respondent No. 3 is concerned, it has been withdrawn on 25.11.2022 *vide* Annexure R/36. Therefore, the first prayer has become redundant.

4. Insofar as prayer Nos. 2 and 3 are concerned, the petitioner has sought for a direction to the concerned respondent. In this regard, there is no demand or representation or application before the competent authority. In the absence of such material information, question of issuance of writ of mandamus under Article 226 of the Constitution is not permissible.

5. Accordingly, the present petition stands disposed of reserving liberty to the petitioner to approach the concerned authority insofar as relief Nos. 2 and 3. If such representation or application is submitted on behalf of the petitioner, the concerned



authority is hereby directed to take note of the petitioner’s application or representation and decide the same within a reasonable period of time from the date of receipt of petitioner’s application/representation.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.09.2023
Transmission Date	NA

