

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16546 of 2022

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Satyadev Mishra Son of Srirajaram Mishra Resident of Village and P.O.-
Kaithi, P.S.- Bagen Gola, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Director, Municipal Administration, Urban Development and Housing Department, Government of Bihar, Patna.
3. The District Magistrate, Buxar, District- Buxar.
4. The Sub-Divisional Public Complaint Redressal Officer, Dumraon, District- Buxar.
5. Dumraon Nagar Parishad, P.O. and P.S.- Dumraon, District- Buxar, through the Administrator.
6. The Executive Officer, Dumraon Nagar Parishad, P.O. and P.S.- Dumraon, District- Buxar.
7. Shivjan Swasthya Sarvagin Vikash Kendra, Through the Executive Officer, Dumraon Nagar Parishad, P.O. and P.S.- Dumraon, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
For the State	:	Mr. Abbas Haider (SC 6)
		Mr. Ravish Chandra, AC to SC6
For the Respondent No.		
5 and 6	:	Mr. Ashok Kumar, Advocate

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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)

4 27-03-2023 In the instant petition, petitioner has prayed for the
following relief (s):-

“(I) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent no.6, the Executive Officer, Nagar Parishad, Dumraon to produce on record the work order issued by him in favour of Respondent no.7 for undertaking



the contract of Solid Waste Management in Dumraon Nagar Parishad in pursuance of Re-tender Notice published on the GEM Portal on 22.08.2022 after cancelling the earlier notice published on Gem Portal on 25.07.2022 and on production the same may be quashed by issuance of an appropriate writ in the nature of CERTIORARI on the ground that some conditions for award of tender were arbitrarily fixed by the Respondent Nagar Parishad to suit the eligibility clause for the Respondent no. 7 as also to restrain the other interested contractors.

(II) Consequent upon for issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to publish the fresh tender in accordance with law, so that eligible and intending contractors submit their tender documents and thereafter contract has been awarded to those contractors whose rate is lowest so that the public money could be saved.

(III) For issuance of any other appropriate writ/writs, order /orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

Grievance of the petitioner is relating to providing work order which is stated to have been issued in favour of 7th respondent and thereafter cancelling of re-tender notice etc. In the absence of material information, question of interference with the re-tender notice dated 22.08.2022, cannot arise. At the best, petitioner has a remedy before the concerned authority under the Right to Information (RTI) Act, 2005. In this regard, petitioner is at liberty to invoke remedy under RTI Act, 2005. In



the event of filing any RTI application, the concerned authority is directed to provide the same in accordance with law at the earliest.

With the above observation, writ petition stands disposed of, reserving liberty to the petitioner to assail the work order issued in favour of the 7th respondent and consequential order, if any.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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Ashish/-

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