

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17671 of 2022

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ACME Excellent Private Limited through its authorized signatory cum agent
SH. Parmatma Pandey, aged about 50 years, male, son of Pujan Pandey,
resident of Village- Karmaini gaji, Jalalpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Urban Development and Housing, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Urban Development and Housing, Government of Bihar, Patna.
3. The Municipal Commissioner, Bettiah Municipal Corporation.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
For the State	:	Mr. Shiv Kumar AC to G.A.-3
For the Respondent No.3:	:	Mr. Priyadarshi Matri Sharan, 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)

8 02-05-2023 In the instant writ petition, petitioner has prayed for
the following relief(s):-

“(i) For issuance of writ of certiorari for quashing of the Tender Notice issued through NIT No.01/2022-23 issue vide memo 1.8.2022 no. 1780 the Commissioner, Corporation as it arofar, signature Bettiah Bettiah dated of Municipal Municipal was issued without permission of elected Board members and also against the order passed on 29.7.2021 by Hon'ble Patna High Court in LPA No.193 of 2021.

(ii) For issuance of writ of certiorari for quashing of order issued vide Letter No.2124/ aofao, Bettiah dated 8.9.2022 by



the Municipal Commissioner, Bettiah whereby and whereunder work order granted to the petitioner has been cancelled without giving any prior notice.

(iii) For issuance of writ of mandamus directing the Respondent authorities to continue the work order granted to petitioner company till finalization of dispute raised by way CWJC no.18112 of 2021 (Sanjay Kumar Motani Vs The State of Bihar and others) pending final consideration before this Hon'ble Court.

Further, for grant of any other relief/reliefs for which petitioner is found entitle in the facts and circumstances of the case.”

02. The petitioner was supplying manpower and material for the purpose of execution of certain works including lifting of garbage. Such a contract was awarded in favour of the petitioner when the Municipal Council was existing. Municipal Council, Bettiah was upgraded to Municipal Corporation, Bettiah. Even thereafter, the petitioner was given extension of contract work by the Municipal Corporation Commissioner, Bettiah while imposing the condition that such arrangement of extension of work order was only till fresh tender was floated. A fresh tender has been floated on 01.08.2022, NIT No. 01/2022-23 issued vide Memo No. 1780 dated 01.08.2022. Thus, the petitioner feeling aggrieved by the NIT No. 01/2022-23 filed this writ petition contending that nature of the work order



assigned by the then Municipal Council and the present in the Municipal Corporation vide NIT No. 01 of 2022-23 is not identical. Therefore, the petitioner is entitled to continue to execute the work while providing manpower and material.

03. Perusal of 'word' used in the NIT No. 01/2022-23 dated 01.08.2022 read with nature of work order issued in favour of the petitioner, are different but at the same time, ultimately, the work is relating to lifting of garbage on day to day basis in the Municipal Corporation Area, Bettiah. Therefore, there is no infirmity in the NIT No. 01/2022-23 dated 01.08.2022.

04. Accordingly, the writ petition stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/-
himanshu/-

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