

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8744 of 2017

Shakuntala Foundation S/o Bhajan Ray, resident of Bhagwat Nagar Kumhrar,
P.S.- Agamkuan, Dist- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director-in-Chief, Health Service, Bihar, Patna.
3. The Executive Director, Bihar State Health Society, Sheikhpura, Patna.
4. The District Magistrate, Patna.
5. The Civil Surgeon-cum-Chief Medical Officer, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bijay Kumar Pandey, Advocate
For the Respondent/s	:	Mr.Ravi Kumar, AC to GP13
For the BSHS	:	Mr.K.K.Sinha Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

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

3 13-04-2023

In the instant petition, petitioner has prayed for the

following relief(s):-

“(i) For issuance of an appropriate writ, direction or order to quash and set aside the Tender Notice dated 2-5-2017 contained in Memo No. 3635 issued by the respondent No. 5 and published in daily newspaper Hindustan on 7th May 2017 for outsourcing of various services like cleanliness, washing of clothes, providing generator facilities for alternative electric supply etc under public private partnership under the various hospitals and offices in Patna district in which a clause has been inserted under cha(4)-to keep atleast Rs. 50(fifty) lakhs cash in the saving Bank Account of the tenderer agency



one day before the date of publication of the said advertisement for any participant/bidder.

The said clause is arbitrary and illegal. Normally no body keep such a huge amount in saving bank. Moreover if there is any such clause it should be applicable before the last date of submission of tender. Furthermore the accounts of firms/bidders/participants are generally current accounts and not saving accounts.

(ii) For a direction to the respondents to republish the said tender after necessary correction in tender notice.

(iii) For a direction to the respondents not to open the said tender till disposal of the aforesaid writ petition.”

2. Learned counsel for the respondent no. 5 stated that the present petition does not survive for consideration as it has become infructuous. In the light of the aforesaid submission read with the counter affidavit, the present petition has become infructuous.

3. Accordingly, the present petition stands disposed of as infructuous.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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