

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18108 of 2022

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Jawahar Prasad S/o Late Satyanarayan Pandit Resident of Pandariba Lane,
Patnacity, P.S.- Alamganj, Patna, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, having his office at Vikas Bhawan, P.S.- Sachivalaya, District- Patna.
2. The Superintendent Nalanda Medical College and Hospital, Agam Kuan, P.S.- Agam Kuan, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikas Mohan, Advocate
For the Respondent/s : Mr. Pankaj Kumar (SC-12)

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

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

9 20-07-2023 In the instant petition, petitioner has prayed for the
following relief(s):-

“That this application is being filed for quashing the impugned Memo No. 623 (1) dated 04.08.2022 by which the health department has restrained debarred the petitioner for the work for supplying food material to the petitioner. The petitioner is already legally allotted aforesaid work contract for supplying the food material. The petitioner has been given allotment for the work for supplying of food after following the procedure of law and in consonance with article 14 of the constitution of India. The petitioner has been allotted work in pursuant to advertisement dated 18.02.2021 and supplying the material in the Hospital.”

2. On 06.07.2023, the following order was passed:-

“Learned counsel for the State is hereby directed to secure original records



relating to creation of policy, for the reasons that the petitioner has produced only Annexure-1 and it is internal communication dated 04.08.2022. In the meanwhile, the concerned official respondent is hereby directed to produce relevant material information relating to existence of any “Bihar Gramin Jivikoparjan Protsahan Samiti (JEEVIKA)” and such organization is registered one or not?

Re-list this matter on 20.07.2023.”

3. Today, learned counsel for the respondent furnished a policy decision of the State Government dated 09.02.2021, which provides for award of contract in favour of Bihar Rural Livelihoods Promotion Society - “JEEVIKA”.

4. In the light of these facts and circumstances and the fact that in the absence of challenge to the policy of the State Government dated 09.02.2021, the present petition cannot be entertained.

5. Accordingly, the present petition stands disposed of, reserving liberty to the petitioner to assail the policy decision of the State Government dated 09.02.2021 read with relevant NIT and its proceedings, if he is so advised.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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