

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14359 of 2018

M/s Vaishnavi Hospital, A Partnership Firm having its' office at Maurya Vihar Colony, Transport Nagar, Patna, Bihar, through one of its partner Shri Prince Kumar Tiwari, S/o Late Dhruvdeo Tiwary, resident of Village and P.S.- Darauli, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Minority Welfare Department, Government of Bihar, Patna.
2. The Principal Secretary, Minority Welfare Department, Government of Bihar, Patna.
3. The Special-cum-Director Secretary, Minority Welfare Department, Government of Bihar, Patna.
4. The Assistant Director-I, Minority Welfare Department, Government of Bihar, Patna.
5. The Assistant Director-II, Minority Welfare Department, Government of Bihar, Patna.
6. The Assistant Director-III, Minority Welfare Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kishore Prasad, Advocate
For the Respondent/s	:	Mr. Sita Ram Yadav, GP-16
		Mr. Yatindra Naryan, AC to GP-16
		Mr. Jitendra Kumar, AC to GP-16

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

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

3 27-03-2023 In the instant petition, petitioner, has prayed for the following relief(s):-

“1. i) For issuance of an appropriate writ(s), order(s), direction(s)



in the nature of writ of Certiorari for quashing the decision of the Purchase Committee in its meeting dated 18.05.2018 under the Chairmanship of the Respondent No.4 (the Assistant Director-I) and communicated to the petitioner vide Memo No. 485 dated 29.05.2018 (as contained in Annexure-7 to this writ application), whereby and whereunder the tender submitted by the petitioner has not been considered only on account of the fact that the petitioner has not submitted Earnest Money Deposit' (in short 'EMD'), although the petitioner has been exempted from depositing the EMD by the National Small Industries Corporation, a Government of India enterprises.

ii) For issuance of an appropriate writ(s), order(s), direction(s) in the nature of writ of Mandamus directing the respondents to open and consider the tender submitted by the petitioner in terms of the Tender Notice No. 4712 dated 21.03.2018 as published in the Hindi Newspaper Dainik Jagran' on 30.03.2018 and if the rate quoted by the petitioner is found to be lowest, then allot the work in question to the petitioner in terms of the said tender notice.

iii) For issuance of an appropriate writ(s), order(s), direction(s) in the nature of writ of Mandamus directing the respondents to follow the instructions/directions issued by the Government of India with respect to the Small Scale Industries registered with the National Small Industries Corporation' (in short NSIC) under its Single Point Registration Scheme and accordingly extend the various facilities as provided in those instructions/directions, not only in this tender rather in future tender of the State/Central Government Departments."

iv) For any other relief for which the petitioner is found to be entitled in the facts and circumstances of



the case.

In the absence of any interim order, the present petition is not maintainable at this distance of time. The NIT process must have spent its force.

Accordingly, present petition stands dismissed as infructuous.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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