

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7940 of 2024

1. Manoj Kumar S/o Late Lalji Shah, R/o Hari Nagar, P.S.- Ram Nagar, District- West Champaran (Bettiah).
2. Archana Kumari, D/o Shiv Nath Yadav, R/o- Ward No.-4 Sidhaw, P.S.- Laukariya, West Champaran (Bettiah).
3. Naresh Yadav, S/o Nathni Yadav, R/o- Ward No.-7 Bhairao Ganj, P.S. Bhairao Ganj, District- West Champaran (Bettiah).
4. Ruby Devi, W/o Sunil Thakur, R/o- Ward No.-8 Narkatiyaganj, P.S. Shikarpur, District- West Champaran (Bettiah).
5. Santosh Kumar Malakar, S/o Ramchandra Bhagat, R/o- Ward No.- 1 Dumaria, P.S.- Shikarpur, District- West Champaran (Bettiah).
6. Vikash Kumar Sharma, S/o- Rabindra Sharma, R/o- Nagwa, Dumaria, P.S.- Ram Nagar, District- West Champaran (Bettiah).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home, Govt. of Bihar, Patel Bhawan, Bailey Road, Patna.
2. The Additional Chief Secretary, Home, Government of Bihar, Patel Bhawan, Bailey Road, Patna.
3. The Special Secretary Cum Controlling Officer (Private Security Agency), Department of Home, Government of Bihar, Patel Bhawan, Bailey Road, Patna.
4. The Principal Secretary, Labour and Employment, Government of Bihar, Niyojan Bhawan, Patna.
5. The Additional Chief Secretary, Department of Health, Govt of Bihar, Patna.
6. The Chief Managing Director (Supply Chain), Bihar Medical Services and Infrastructure Corporation LTD., (B.M.S.I.C. LTD) Swasthya Bhawan, Behind IGIMS, Sheikhpura, Patna- 800014
7. The District Magistrate, West Champaran, (Bettiah)
8. The Civil Surgeon-cum-Chief Medical Officer, West Champaran, Bettiah

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Surendra Kumar Singh, Advocate
For the State	:	Mr. Hitesh Suman, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-07-2024

The present writ petition has been filed



seeking the following reliefs:-

"i) To issue an appropriate writ, order or direction for instituting a high level inquiry committee to inquire into the illegality and irregularity committed by the Respondent in the matter of award of work contract for the supply of man power in different Districts of Bihar specially in the District of West Champaran (Bettiah).

ii) To issue an appropriate writ, order or direction directing the Respondents to award the contract of man power supply to eligible and qualified agencies who fulfils all the requirements established under the Government Norms such as License of Private Security Agency (Regulation) (PSARA) Act, 2005, mandatory deposit of advance security money, furnishing character certificate, observance of the provisions of Bihar Finance Rules, observance/implementation of the caste roaster in contract etc.

iii) To issue an appropriate writ, order or direction for quashing the letter as contained in Letter No- BMSIC/20045/02-2023/9636 Dated 16.02.2024, (Annexure-P-3) issued by Respondent Chief Managing Director (Supply Chain), Bihar Medical Services and Infrastructure Corporation LTD. whereby and whereunder without following instructions,



Bihar Finance Rules, Regulations/ Guidelines issued by the Govt. specially by State Health Society, ignoring the basic Terms of the contract has allotted the contract work to 10 agencies for the supply of man power on outsourcing basis who did not fulfil the basic requirement of the award of work.

iv) To issue further appropriate writ/order or directions declaring the letter No-BMSIC/20045/02-2023/10330 Dated 28.02.2024, (Annexure-P-10) issued by Respondent Chief Managing Director (Supply Chain), Bihar Medical Services and Infrastructure Corporation LTD as illegal unjust and inoperative as the same has been issued with dishonest intention in order to award the contract to the undeserving agencies that too without ignoring the basic directions of the Govt.,.

v) To issue further appropriate writ, order or direction commanding the Respondents to cancel the contract work given to the different unauthorized and unqualified agencies, ignoring each and every fundamental rule of award of work/ tender in the District of West Champaran (Bettiah) specially.

vi) To issue an appropriate writ/order or direction restraining the Respondent Chief



Managing Director (Supply Chain), from taking work from the unqualified agencies during pendency of this application.

vii) This Hon'ble Court may adjudicate and hold that action of Respondent Chief Managing Director (Supply Chain), issuing work order to the Intelligence Security of India Elite Falcon Private Limited, unqualified ineligible agency against the rules, regulations and guidelines of the Govt., is an act of mala-fide and arbitrary exercise of authorities/ power.

viii) This Hon'ble Court may further adjudicate and hold that action of Respondent Chief Managing Director (Supply Chain), deciding the allotment of work to the unqualified agencies requires inquiry and action.

ix) To award the cost of litigation and suitable compensation to the petitioner for the loss and damages caused to the Petitioner due to the wrong being committed by the Respondent Chief Managing Director (Supply Chain),"

2. At the outset, the learned counsel for the petitioners seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioners to approach the respondent-authorities



for redressal of their aforesaid grievances. Liberty,
so sought, is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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