

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11143 of 2024

Jitendra Maintenance Works through its Owner Jitendra Kumar, Aged about 36 years, Male, son of Ajay Kumar, Resident of Near Firoz Gandhi College, Karbigahiya Middle School, Phulwari, P.O.- Patna G.P.O., P.S.- Phulwari District- Patna, Bihar- 800001

... .. Petitioner/s

Versus

1. The State of Bihar, through Additional chief Secretary, Health Department Govt. of Bihar, Patna,
2. The Project Director, State Health Society, Govt. of Bihar Patna
3. The Chief General Manager (Supply Series) Bihar Medical Services and Infrastructure Corporation Limited (BMSICL) Patna Bihar.
4. The Chief General Manager (Administration), Bihar Medical Services and Infrastructure Corporation Limited (BMSICL) Patna Bihar.
5. Intelligence Security of India through Shri Ajeet Kumar Singh, G.D.1, Namaskar Enclave 175 A, Patliputra Colony, Patna-13
6. Inductus Limited, through The Director, Inductus Limited, C- 127, Sector-2, Noida, Delhi NCR-201301(India)
7. M/s Elite Falcon Pvt. Ltd., through Shri Bindeshwari Singh, S/o- Late Mithila Prasad Singh, Flat No. 101, Sri Ram Towar, Kankarbag Main Road, Patna, 800020
8. M/s Urmila International services Pvt. Ltd., through Shri Kumar Avinash, S/O- Shri Shio Vinod Sharma, 31A 1st Floor, Banke Bihari Sadan, P.O. and P.S.- Shri Krishna Puri, Boring Road, Patna-800001
9. M/s Everest Human Resource Consultants, through Shri Madan, Mohan Gautam, Shop No.- 06, Ashok Market, Bandh Par, Near Baba Chauk, P.S.- Patliputra, Patna, Pin.-800024
10. M/s Shiva Protection Force Pvt. Ltd. through Sri Rakesh Kumar, Flat No. 02, Shyam Kunj Apartment, Basant Bihar Colony, Boring Road, Patna,
11. Lion Security Guard Services, through its director, Phulwari Sarif, near Police Chauki, Mahavir Nagar, Patna, Bihar, 800002,
12. Samanta Security and Intelligence Services Pvt. Ltd., through Shri Tarkeshwar Nath Singh, S/O- Sri Punya Deo Singh, Room No.-205, 2nd Floor Shashi Complex, Exhibition Road, Patna-01
13. King Security Guard Services Pvt. Ltd. through Sri Kripa Sindhu Dwivedi, S/O- Late Karuna Shankar Dwivedi, Mohalla ward No.-9, Daulatganj, P.S.- Bhagwan Bazar, Chhapara, Dist.- Saran, Bihar, Pin.-841301
14. JMD Services Pvt. Ltd., through Shri Narendra Kumar Singh, S/O- Late Ram Layak Singh, Flat No.-60, Nandanpuri, Khajpura, Mauraya Path, Patna-14

... .. Respondent/s



Appearance :

For the Petitioner/s	:	Mr. Anirudh Mishra, Advocate Mr. Amit Kumar Mishra, Advocate
For the State	:	Mr. Vikash Kumar, SC-11
For the Resp. No. 2	:	Mr. K.K. Sinha, Advocate
For the BMSICL	:	Mr. Lalit Kishore, Sr. Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 26-07-2024

The petitioner has filed the above writ petition seeking interference to the empanelment of Respondent Nos. 5 to 14 through NIT No. BMSIC/20045/02-2023/01. It is asserted that though the Notice Inviting Tender (NIT) was published Online, it was not accessible and the grievance seems to be that the petitioner, who also provides manpower services through outsourcing could not apply under the e-tender. While asserting that the e-tender uploaded was not accessible, the petitioner also contends that despite his level best, he could not apply for under the e-tender. The petitioner is also said to have approached the respondent authority and made complaint in this regard, upon which, the respondents informed him that they are not proceeding with the NIT. The contentions are mutually destructive, since if NIT was not accessible, the petitioner would have had no knowledge of the same.

2. We specifically queried the learned Counsel for the



petitioner as to his complaint against the party respondents impleaded, whose empanelment has been challenged in the writ petition and the learned Counsel for the petitioner pointed out Paragraph-10 of the writ petition, which is extracted hereunder:-

“10.That it is submitted that for consideration of this by this hon'ble court the irregularities committed in empanelment of agencies for outsourcing different job profile under the health are given below as follows:-

(i) That it is submitted that BMSCIL (Respondent No.4) itself published the tender and did not empanel it in its own office this raised doubt in fair manner and transparency in empanelment of agencies.

(ii) That respondent no.4 (BMSCIL) has given the format in the tender asking declaration from bidder regarding ongoing litigations in which promoter (S) / direction (S) are involved but without enquiry/ verification such agencies have been empanelled who have not mentioned the list of cases pending against them.

(iii) That it is submitted that as per tender about 50,000/- workers are required. There are more than hundreds registered agencies who are interested to work but without considering this fact that it will difficult to provide the required workers through only ten agencies. This creates doubt in empanelment of the said agency.

(iv) That it is submitted that respondent no.4 without getting the experience certificate or verification empanelled the respondent no. 5 to 14.



3. We find the above allegations to be either incomprehensible or untenable for no specifics having been pointed out. But for asserting that there are list of cases pending against the respondents, not even one is mentioned. Again it is alleged blandly, that they do not have the manpower as required in the NIT. The petitioner obviously has also not applied under the NIT, which was issued long back. If the petitioner had approached the respondent complaining that he could not upload the tender, then he should have approached this Court immediately. After the entire tendering process is completed, the petitioner has raised untenable and unsubstantiated contentions, which we find to be a mala fide exercise and a clear abuse of process of this Court.

4. We dismiss the writ petition with a cost of Rs. 5000/- to be paid by the petitioner to the Bihar State Legal Services Authority. The said amount will have to be paid within a period of two weeks and if not, the Bihar State Legal Services Authority shall be entitled to proceed for recovery by taking measures similar to recovery of arrears due on land through the District Magistrate, in which event the petitioner shall be liable for the charges incurred for making such recovery, which have to be recovered by the State.



5. Let a copy of this judgment be transmitted to the
Member Secretary, Bihar State Legal Services Authority.

(K. Vinod Chandran, CJ)

(Nani Tagia, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	29.07.2024
Transmission Date	

