

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15923 of 2024

Sanjay Kumar Son of Rrajendra Prasad Khuswaha, resident of - Amnaur
Harnaraen, P.S. - Amnaur, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Government of Bihar, New Secretariat, Patna.
2. Principal Secretary, Food and Civil Supply Department, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Vaishali.
4. The Superintendent of Police, Vaishali.
5. The District Magistrate cum Chairman, District Transport Committee, Vaishali.
6. Bihar State Food and Civil Supply Corporation Ltd, Khadya Bhawan, Daroga Rai Patna, R-Block, Road No. 2, Patna through its Managing Director.
7. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd, Khadya Bhawan, Daroga Rai Path R-Block, Road No 2, Patna.
8. The District Manager, Bihar State Food and Civil Supply Corporation Ltd, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anshul, Advocate Mr.Kaushal Kishor, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, Sr. Advocate Mr. Shailendra Kumar Singh, Advocate.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-10-2024

The petitioner sought for quashing of an e-tender notice and issuance of a fresh e-tender for the very same subject matter.

2. Learned Counsel for the petitioner sought for



withdrawal of the writ petition.

3. However, the learned Senior Counsel for the respondents objected to the same pointing out that the petitioner had, in fact, filed a similar writ petition, which was rejected by this Court in CWJC No. 3838 of 2024, titled as ***Sanjay Kumar Vs. The State of Bihar*** and analogous cases, by decision dated 10.07.2024. It is also pointed out that the factum of the earlier writ petition filed and dismissed, has not been disclosed in the writ petition.

4. Learned Counsel for the petitioner submits that the judgment has been produced with a supplementary affidavit, and it is for that reason, the petitioner has sought for withdrawal of the writ petition.

5. The fact remains that the petitioner did not disclose the filing of the earlier writ petition and its dismissal in the writ petition filed, and filed a supplementary affidavit producing the order passed earlier. The writ petition itself was filed on 11.09.2024 supported by an affidavit and the supplementary affidavit was filed long after on 21.10.2024, after more than a month.

6. We are of the opinion that there is a clear abuse of process of the court in the petition having not disclosed the



filing of the earlier writ petition and having approached this Court for a similar relief, when the earlier writ petition stood dismissed. We refuse the request for withdrawal of the writ petition.

7. We reject the writ petition imposing a cost of Rs. 10,000/- on the petitioner to be paid by him 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.

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

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	24.10.2024
Transmission Date	

