

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17894 of 2024

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Akhil Bhartiya Hindi Prakashak Sangh through its Mahamantri Sh. Saurav
Sharma, 30/35-36, Street No.9, Vishwas Nagar, Delhi-110032

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. Additional Chief Secretary Cum Principal Secretary, Department of Education, Government of Bihar, Naya Sachivalaya, Patna-800001.
3. Bihar Education Project Council, through State Project Director, Shiksha Bhawan, IInd and IIIrd Floor, Bihar Rashtra Bhasha Parishad, Saidpur, Rajendra Nagar, Patna-800004.
4. Union of India through its Secretary, Ministry of Education, Department of School Education and Literacy, Government of India, Shastri Bhawan, New Delhi-110115.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Sinha, Advocate Mr. Sumit Kumar, Advocate Mr. Ranjan Kumar Sinha, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, Advocate General
For the BEPC	:	Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 02-12-2024 The petitioner is an association of Hindi publishers registered under the Societies Registration Act, 1860 and the declared objective of the petitioner, is to primarily protect the interest of the Hindi book publishers as well as to maintain and excel the level of Hindi literature.

2. The petitioner has challenged the conditions imposed in the Expression of Interest (for brevity 'EOI')



brought out by the respondent, as per Annexure P-3. The petitioner is aggrieved with three out of the four conditions stipulated as the eligibility/qualification criteria. The qualification criteria challenged by the petitioner are that the publisher should be registered with the GST Department and carry a valid PAN number, the publisher should have a name or firm name with an average turnover of Rs. 5 crores; in any financial year ending on 13.03.2023, and that the publisher should have past experience with similar requirements and supply of at least 25,000 books at any State Government school/ educational institution.

3. The learned Advocate General who appeared for the respondent and Shri Girijesh Kumar appearing for the Bihar Education Project Council pointed out that the petitioner does not have a case of having being declined participation in the EOI. The petitioner is agitating the cause in a representative capacity. It is also stated that the last date for receipt of EOI was 07.09.2024 and a tender has been published on 28.11.2024, the last date of which was 18.12.2024.

4. The learned Counsel for the petitioner vigorously pointed out that even earlier a similar writ petition was filed and the same has been admitted by this Court and is still pending



before this court.

5. We see that the petitioner has in the writ petition stated in Paragraph-2 that they have not filed any other writ petition before this Court for redressal of impugned grievances, which is contrary to the submission now made based on the filing of the ***CWJC No. 4928 of 2022 (Akhil Bhartiya Hindi Prakashak Sangh vs. The State of Bihar and Ors.)***. We do not take any umbrage at the statement made in the memorandum of writ petition since the petitioner himself has produced the order in the writ petition. However, we are of the opinion that a second writ petition on a similar cause of action cannot be entertained and that too in a representative capacity.

6. The order passed on 13.05.2022 in CWJC No. 4928 of 2022 makes it clear that even then, the prayer had become infructuous, in as much as the entire work orders stood issued. However, only on the submission of the petitioner that the writ petition may be heard along with ***CWJC No. 1762 of 2022 (M/s University Book House Private Limited and The State of Bihar and Ors.)***, the matter was posted for joint hearing. When the EOI came, the petitioner ought to have moved the earlier writ petition and timely, agitated the cause.

7. We find absolutely no reason to entertain the writ



petition, filed in a representative capacity, where the petitioner does not even have a contention that the petitioner intended to express their interest in the work notified and especially when there is an earlier petition filed on the same grievance. We restrain from making any comments on the challenge made, only since the other writ petitions are pending before this Court. The petitioner also cannot challenge the writ petition, in a representative capacity, when the petitioner does not by itself have the status of an entity eligible to apply under the EOI or submit a tender for the work notified.

8. We dismiss the writ petition for the reasons stated above.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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