

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17218 of 2023

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Sanjay Kumar son of Rajendra Choudhary, resident of Village and Post Office-Nagar Panchayat Road, Ward No. 7 (now Ward No. 13), Police Station-Motipur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The Bihar State Food and Civil Supplies Corporation Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna through its Managing Director.
2. The Managing Director cum Secretary, The Bihar State Food and Civil Supplies Corporation, Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna.
3. The District Transport Committee, Muzaffarpur through its Chairman, the District Magistrate, Muzaffarpur.
4. The District Magistrate cum Chairman, District Transport Committee, Muzaffarpur.
5. The Deputy Development Commissioner-cum-Vice Chairman, District Transport Committee, Muzaffarpur.
6. The Additional Collector (Revenue) cum Member, District Transport Committee, Muzaffarpur.
7. The District Transport Officer cum Member, District Transport Committee, Muzaffarpur.
8. The Senior Treasury Officer cum Accounts Officer, Muzaffarpur.
9. The District Manager cum Secretary, District Transport Committee, Muzaffarpur.
10. The District Manager, The Bihar State Food and Civil Supplies Corporation Limited, Muzaffarpur.
11. M/s Bindeshwar Oil through its proprietor namely Rakesh Kumar, son of Bindeshwar Paswan, resident of Paswan Bhawan, Ahiyapur Chowk, Police Station-Ahiyapur, District-Muzaffarpur.
12. M/s Musafir Oil Company through its proprietor namely Umesh Kumar, son of Late Musafir Pasan, resident of Nazirpur, Police station-Ahiyapur, District-Muzaffarpur.
13. M/s Rajendra Dubey through its proprietor namely Rajendra Dubey, Son of Late Sant Kumar Dubey, resident of Sakra Wazid, Post Office-Dholi, Police Station-Sakra, District-Muzaffarpur.
14. M/s Om Prakash through its proprietor namely Om Prakash, Son of Late Paltan Dubey, resident of Sakra, Wazid, Post Office-Dholi, Police Station-Sakra, District-Muzaffarpur.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the State : Mr. Alok Ranjan, AC to AAG 5
For the BSFC : Mr. Anjani Kumar, Sr. Advocate with
Mr. Shailendra Kumar Singh, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 22-02-2024

The petitioner is before this Court challenging his denial to be considered in the tender process and also for the reason of one other successful tenderer having been granted the tender, despite the same ground having been taken up for rejecting the tender of yet another person.

2. Firstly, we deal with the contention regarding the denial of his consideration at the technical bid. The decision of the Technical Committee, pursuant to the Notice Inviting Tender (for brevity, NIT) (Anneuxre-1) issued by the Bihar State Food & Civil Supplies Corporation Limited, Muzaffarpur, is at Annexure-2. The specific ground with respect to the petitioner herein was considered in page no. 44 of the writ petition.

3. There was a complaint raised against the petitioner that he was having business in wheat and rice. There was also a ground raised that his technical bid sheet specifically page no. 17, as per the bid document, has not been uploaded. Insofar as



the business conducted by the petitioner, a report was sought for from the Circle Officer, Motipur, Muzaffarpur. The Circle Officer after conducting an enquiry reported that the petitioner is not himself engaged in the business of wheat and rice but he is acting as an agent for another business, which deals in rice and wheat. It was also found that the technical bid sheet at page no. 17 was not uploaded, which was admitted by the petitioner.

4. Learned Counsel for the petitioner contended that he was not directly involved in the business of rice and wheat and insofar as disqualification, as found from the NIT does not include such agency being carried out. We specifically notice Clause 8(iii)(d) from the NIT produced as Annexure-1, which is as below:

“8(iii)(d) Neither she/he/they nor her/his/their family members/director/partner are license Holder of fair price shop as well as rice miller/flour mill owner or in business of food grain (e.g. Rice & Wheat).”

5. Hence, the involvement is not restricted to a licensee holder of fair price shop but also to a rice miller/flour mill owner or anyone in business of food grains. The petitioner though does not have a business in his name, he is admittedly acting as an agent for another enterprise, in which circumstances the disqualification as per the NIT is justified. Further, it is an



admitted fact that the page no. 17 of the technical bid sheet was not uploaded. We find absolutely no reason to entertain the question of denial of the petitioner's consideration in the tender process.

6. The next contention raised by the petitioner is that one Ravi Ranjan Kumar was alleged to have agricultural lands, which on enquiry was found to be in the father's name. This was taken as a ground to disqualify Ravi Ranjan Kumar. A similar complaint was raised by the petitioner himself, against Shri Om Prakash (respondent no.14). The petitioner's complaint was that there was agricultural land owned by the said person. A report from the Circle Officer was obtained, in which it was specifically stated that though there was an agricultural land obtained as per gift by the father, he had died and the tenderer was the sole heir. Despite that he was considered for the purpose of technical and financial bid.

7. The petitioner's denial having been found to be justified, the petitioner cannot raise contention against others, especially since this is not a Public Interest Litigation. Definitely Ravi Ranjan Kumar could have raised such a contention against the denial of his consideration, despite the same ground which was alleged against another person having



not resulted in a disqualification. We also have to observe that possession of agricultural land is not a disqualification as per the NIT.

8. The petitioner then submits that the 13th and 14th respondent, who are uncle and nephew, have been granted the contract and this could be in violation of Clause 8(iii)(c). Clause 8(iii)(c) is also extracted herein below:

“8(iii)(c) She/he/they or their family members/director/partner are neither working transport-cum-handling agent engaged in transportation of food grains from FCI depot to SFC Godown in the same district.”

9. The specific Clause 8(iii)(c) speaks of an engagement in transportation of food grains from FCI depot to SFC godown in the same district, as at the time of NIT, which is not the specific contention raised herein. The above clause disqualifies only people whose family members are involved in a like contract, and not consideration of family members under this NIT.

10. Now the petitioner speaks of the vehicles being submitted as per the tender, not satisfying the stipulation as per the NIT. The document produced to substantiate the same is not an authenticated document and we cannot rely on it in a judicial review.



11. We find absolutely no reason to entertain the writ
petition and the same stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	24 .02.2024.
Transmission Date	

