

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17831 of 2024

M/s. Active Media Group, Registered Proprietorship, having its Registered Office at 37, Kidwaipuri, Near Income Tax Golambar, Patna - 800001, through its Proprietor namely Shri Sambhu Nath Gupta, Male, aged about 47 years, son of Shri Bhuneshwar Prasad Gupta, resident of Flat No. 304, 12-D Gali, Anandpuri, P.S.- S.K. Puri, District- Patna- 800001, Bihar.
... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Electoral Officer, Bihar, Patna.
2. The Chief Electoral Officer, Bihar, Patna.
3. The Additional Collector, Katihar, Bihar.
4. The District Election Officer-cum-District Magistrate, Katihar, Bihar.
5. The Deputy Election Officer, Katihar, Bihar.
6. The District Purchase Committee in relation to tender dated 03.09.2024 through the Additional Collector, Katihar, Bihar
7. M/s M.K.S. Enterprises, through the proprietor namely Manoj Kumar Singh, aged about 52 years, son of Late Ashok Kumar Singh, Resident of Ramnika Enclave, Behind Rama Shyama Apartment, P.O.- Danapur Cantt, P.S. Rupaspur, Gola Road, Danapur, District- Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ashish Giri, Advocate Mr. Sumit Kumar Jha, Advocate Ms. Riya Giri, Advocate
For the ECI	:	Mr. Siddhartha Prasad, Advocate
For the State	:	Mr. P.K. Shahi, Advocate General

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-11-2024

The petitioner is before this Court challenging the qualification of the 7th respondent.

2. The only contention taken is that the 7th respondent did not file an affidavit, as required under Clause 10 of Annexure-P/1. Learned Counsel for the petitioner also took us



to Annexure-P/10, the affidavit filed, to point out that the contention taken is of a stay order issued by the Patna High Court, which order is produced at Annexure-P/11.

3. The first contention taken is that there is no stay ordered in Annexure-P/11, and that if at all, there is only an injunction against coercive steps, which cannot be considered to be a stay of the impugned order. It is also submitted that the writ petition was posted after two weeks and the interim order was not extended.

4. We have seen Clause 10 of Annexure-P/1, translation of which is extracted hereunder:-

“10. The bidding firm will have to give an affidavit to the effect that it has not been held guilty by the Electoral Registration Officer/Assistant Electoral Registration Officer for improper actions/entry of objectionable words in the electoral list. The firm found guilty will not be allotted the work.”

5. We also see from the affidavit (Annexure-P/10), at Paragraph 7 that the following statement has been made by the 7th respondent, translation of which is extracted hereunder:-

“7. In the light of serial number 10 in the technical tender, letter no. 27/Nirva dated 09.05.2022 has been issued by the concerned office of Deputy Collector Land Reforms, Mahanar (Vaishali) Election Branch for 127-Rajapakad (SC) Legislative Assembly. This case is pending before the Hon'ble Patna High



Court (CWJC-2137/2024) and on 08.02.2024, a stay order has been passed in my favour by the Hon’ble Patna High Court in the said case. By Hon’ble Patna High Court dated (India) A copy of the stay order passed on 08.02.2024 by the Hon’ble Patna High Court is attached with the affidavit.”

6. True, the statement made in the affidavit is that there is a stay order, but Annexure-P/11 indicates that the learned Single Judge had restrained the State authorities from taking any coercive steps, which would, in effect, act as a stay of the impugned order. Further, there is no time period indicated for operation of the injunction against the State authorities, which makes it clear that there was no requirement for a further extension.

7. We find absolutely no reason to interfere with the qualification of the 7th respondent.

8. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	28.11.2024
Transmission Date	

