

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1520 of 2018

In

Civil Writ Jurisdiction Case No.16831 of 2018

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1. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Khadya Bhawan, 4th Floor Daroga Ray Patha, Patna.
 2. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. East Champaran, Motihari.

... .. Appellants

Versus

1. Rajesh Kumar Son of Late Kapildeo Prasad Jaiswal, Resident of Rajendra Nagar, P.S. Chhatauni, P.O. Motihari, District East Champaran.
2. Ajit Raj Son of Anjni Kumar Resident of Road No. 1, Near Kejariwal Hospital, Juran Chhapra, Barhanpura, P.S. Muzaffarpur, District - Muzaffarpur.
3. Ratan Sharma, Son of Vijay Shankar Sharma Resident of Near Rani Sati Mandir, Village Sikandarpur, Muzaffarpur, P.S. Muzaffarpur, District Muzffarpur.
4. Chandra Mohan Mishra, Son of Parasnath Mishra Resident of Bokane Mishra, Tola, Bokane Kalan, P.S. Bokane Kalan, District - East Champaran.
5. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
6. The Principal Secretary, Food and Civil Supply Department, government of Bihar, New Secretariat, Patna.
7. The District Magistrate, East Champaran, Motihari.
8. The District Transport Committee, East Champaran, Motihari through the Bihar State Food and Civil Supplied Corporation Ltd. East Champaran, Motihari.

... .. Respondents

with

Letters Patent Appeal No. 1521 of 2018

In

Civil Writ Jurisdiction Case No.16414 of 2018

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1. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Khadya Bhawan, 4th Floor Daroga Ray Patha, Patna.
 2. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. East Champaran, Motihari.

... .. Appellants

Versus



1. Vinay Kumar Thakur, Son of Bireshwar Prasad Thakur Resident of Village - Mishrauliya, P.S.- Chirya, District - East Champaran.
2. Savita Devi Wife of Umakant Thakur Resident of Ward No. 31, Shri Krishna Nagar, P.S. - Town, District - East Champaran.
3. Abhishek Kumar Son of Umashankar Singh Resident of Bhawanipur, P.S. Sangrampur, District - East Champaran.
4. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
5. The Principal Secretary, Food and Civil Supply Department, Government of Bihar, New Secretariat, Patna.
6. The District Magistrate, East Champaran, Motihari.
7. The District Transport Committee, East Champaran, Motihari through the Bihar State Food and Civil Supplied Corporation Ltd. East Champaran, Motihari.

... .. Respondents

Appearance :

(In Letters Patent Appeal No. 1520 of 2018)

For the Appellant/s : Mr. Shailendra Kumar Singh, Advocate

For the Respondent/s : Mr.

(In Letters Patent Appeal No. 1521 of 2018)

For the Appellant/s : Mr. Shailendra Kumar Singh, Advocate

For the Respondent/s : Mr. Prateek Tandon, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 25-02-2025

Re:- L.P.A. No. 1520 of 2018

Appellants have assailed the order of the learned Single Judge dated 27.08.2018 passed in C.W.J.C. No. 16831 of 2018. Contesting Respondents have filed C.W.J.C. No. 16831 of 2018 insofar as non-selection to the Transportation-cum-Handling and Delivery Contractor (Door Step Delivery) with the Appellant.



2. On 27.08.2018, the learned Single Judge passed the following orders, it reads as under:

“4. This application is also disposed off exactly in the same terms as CWJC No. 16414 of 2018 that since a general advertisement has been issued and no adverse finding has been recorded by the Respondent-BSFC, East Champaran, Motihari, the allotment made to the petitioners in the respective blocks i.e. petitioner no. 1 being allotted Pipra Kothi, Kotwa, Kalyanpur, Kesariya, petitioner no. 2 being allotted Turkauliya, Sugauli, Ramgadhwa, Bankatwa, petitioner no. 3 being allotted Motihari, Madhuban, Pakridayal, petitioner no. 4 being allotted Chiraiya, Dhaka, Ghorasahan, would continue with the petitioners as Transportation-cum-Handling and Delivery Contractor (Door Step Delivery) till subsistence of the agreement or any extended period which the BSFC authorities decide. However, this order will not restrain the Respondent-BSFC, East Champaran, Motihari in proceeding with the advertisement dated 15.07.2018, as contained in Annexure-1 being NIT No. 701(a) dated 06.07.2018 so long as it does not adversely affect the petitioners.”

3. In the meanwhile, seven contractors, including petitioners, who have been allotted as per the advertisement was invogue. Contesting Respondent Rajesh Kumar and three others did not file Contempt of Court application insofar as execution of the order of the learned Single Judge dated 27.08.2018 and simultaneously, we have noticed that there is no interim order staying the operation of the learned Single Judge order dated



27.08.2018 in the present L.P.A. That apart during pendency of the present L.P.A. tenure of Transportation-cum-Handling and Delivery Contractor (Door Step Delivery) has lapsed in the year 2019. In this backdrop, the present L.P.A. do not survive for consideration.

4. Accordingly, present L.P.A. No. 1520 of 2018 stands disposed of. Pending I.A., in any, stands disposed of.

Ref: L.P.A. No. 1521 of 2018

In the light of L.P.A. No. 1520 of 2018 order, L.P.A. No. 1521 of 2018 does not survive for consideration.

2. Accordingly, L.P.A. No. 1521 of 2018 stands disposed of. Pending I.As, if any, stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N.A
Uploading Date	06.03.2025
Transmission Date	N.A

