

(2010) 09 JH CK 0013

In the Jharkhand High Court

Case No : Writ Petition (C) No. 4378 of 2010

Maa Vindhyashini Bhandar

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 20-09-2010

Acts Referred:

Citation : (2010) 58 BLJR 1451

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.K. Merathia, J.—The petitioner has challenged the Tender Notice published on 18.8.2010.

2. It is submitted by Mr. Gupta, appearing for the petitioner that in Lohardaga, no security has been asked for supply of food grains and the food grains are required to be purchased by the Headmaster of the concerned School, who is one of the member of the purchase committee and whose primary duty is to impart education, whereas in other districts, security has been asked also for food grains and tender has been invited from private suppliers and not from the Headmaster.

3. The State-respondent has replied the said contention in paragraph-6 of the counter, which reads as follows:

6. That it is further humbly stated that admittedly as per the Advertisement as contained in Annexure-3 of the writ petition dated 18.8.2010, security money has been directed to be deposited by the Contractor/Applicants and on the basis of the lowest rate, the supply shall be ordered and billing shall be made. But, so far the food grain articles are concerned, the advance order security money had not been asked for, for the reasons that it is a regular and routine process for every month and every week, as such the food grains are purchasing by the concerned headmaster or the residential school under the supervision of the

Committee and purchase has to be made by the Krishi Bazar Samittee on the minimum rate, but in Lohardaga District for the first time tender has been flouted, asking for supply of food grain articles for the reason that if any tenderer/ contractor gives the lower rate than the Krishi Bazar Simittee on that condition such order shall be placed to that Contractor in order to purchase the food grains on the lowest rate.

4. In view of such stand taken in Paragraph-6 of the counter affidavit, I am not inclined to interfere with the impugned tender notice in exercise of writ jurisdiction.

Accordingly this writ petition is dismissed. However, no costs.