
(2012) 04 JH CK 0130
In the Jharkhand High Court
Case No : L.P.A. No. 180 of 2012

M/s. National Printers, Lalpur, Ranchi

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 02-04-2012

Acts Referred:

Citation : (2012) 04 JH CK 0130

Hon'ble Judges : Prakash Tatia, J; Aparesh Kumar Singh, J

Bench : Division Bench

Advocate : Biren Poddar and Mr. Anil Choudhary, for the Appellant; Saurav Arun, for the Respondent

Judgement

1. In a matter of supply of text books for the students of the schools under "Sarva Shiksha Abhiyan" twice N.I.Ts. were issued and were cancelled. The petitioner who was already supplying the books was debarred from taking part in this N.I.T. process and petitioner approached this Court by filing the writ petition No. W.P.(C) No. 961 of 2012 wherein interim order was not passed in favour of the writ petitioner and in fact it was declined vide order dated 20th March, 2012. Then this L.P.A. was preferred wherein after considering the question of maintainability of the L.P.A. the Division Bench of this Court observed that the matter requires consideration even with respect to the nature of the order whether it has attained the finality in the order impugned. This Court also took note of the fact that twice the tender process was cancelled and this order was passed on 27th March, 2012 with specific direction that respondents shall consider the bid of the petitioner provisionally and final decision shall not be taken without the leave of the Court. Today learned counsel for the respondent submitted that in fact the tender process initiated was cancelled as back as on 15th March, 2012. The matter is serious one as the petitioner's prayer for interim order was declined after hearing the counsel for the respondents vide order dated 20th March, 2012. It could have been a different position if this fact would have been brought to the notice of the learned Single Judge that the tender has

already been cancelled prior to 20th March, 2012. Not only this the L.P.A. has been preferred after giving a copy of the L.P.A. on 22nd March, 2012 and when the matter was taken up on 27th March, 2012 this fact was not brought to the knowledge of this Court that tender has already been cancelled on 15th March, 2012.

2. The allegation against the appellant is also that he could not supply the text books in time.

3. We want to know from the respondent-State that under what circumstances again and again the respondents are required to cancel the tender notices and that too in a matter where the classes for the children are likely to start probably in no time.

4. Be that as it may, all these aspects will be looked into after filing of the counter by the respondents.

5. In this changed situation of the fresh tender, we direct the respondents to provisionally issue the tender documents to the appellants and accept his tender documents upon submitting the requisite fees etc. if it is there, as the last date for submitting the tender is only on 12th April, 2012. Therefore, the respondents may file the counter explaining all above events and put up on 18th April, 2012. Copy of the order may be given to the learned counsel for the respondents.