

(2002) 05 PAT CK 0068
In the Patna High Court
Case No : LPA No. 604 of 2002

Vridhichand Gupta

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 14-05-2002

Acts Referred:

Citation : (2002) 3 PLJR 157

Hon'ble Judges : R.S. Garg, J; Nagendra Rai, J

Bench : Division Bench

Advocate : D.K. Sinha, for the Appellant; K.P. Yadav and Suresh Kumar, for the Respondent

Final Decision : Dismissed

Judgement

1. This appeal is directed against the order dated 22.4.2002 passed in CWJC No. 3139 of 2002 Bijendra Narain Sinha Vs. The State of Bihar and Others, by a learned Single Judge of this Court allowing the writ application filed by Respondent No. 5 herein challenging the appointment of collection Agent for the Pagra Vijayipur Mushahari Bazar for the period 2002-2003.

2. The reserve Jama for settlement of the said Bazar was Rs. 31,000/-. The Appellant offered Rs. 31,600/- and the others two participants offered less than that of the Appellant and accordingly, the Appellant being the only bidder having offered more than reserve Jama was selected for appointment as Collection Agent for the said Bazar. Respondent No. 5 on the same day filed an application before the Collector of the District making an allegation against the concerned officer, i.e., Sub-divisional Officer, Gopalganj and further asserting in the petition that the settlement was made in surreptitious manner inasmuch as the Appellant and two others managed the entire show, as a matter of fact no bid was held in terms of the advertisement. The Collector sent the matter to the authority who held the auction, i.e. the Sub-divisional Officer, but no action was taken. Thereafter Respondent No. 5 filed the writ application which has been allowed by the learned Single Judge as stated above.

3. The learned Single Judge having considered the matter doubted the holding of the bid itself. This Court does not find any reason to take a different view in the matter when the offer made by Respondent No. 5 to take settlement was Rs. 1,25,000/- where the settlement has been made only at Rs. 31,600/-.

4. In the result, there is no merit in this appeal and the same is dismissed.