

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1008 of 2025

1. Janvani Prakashan Pvt Ltd. through its Director, Mr. Saurabh Sharma, 30/35-36, Gali No. 9, Vishwas Nagar Shahdra Delhi 110032.
2. Post Script, Through its Proprietor Mr. Prayank Sharma 30/21A First Floor Gali No. 9 Vishwas Nagar Delhi- 110032.
3. Gaurav Prakashan, through its Proprietor Gaurav Sharam 518/6b Karkari Road Vishwas Nagar Shahdra Delhi- 110032.
4. Hindustan Prakashan, through its Proprietor Sunil Kumar Sharma 30/23 Gali No. 9 Vishwas Nagar Shahdra Delhi- 110032.
5. Rashtrbhasha Prakashan, through its Proprietor Vinod Kumar Singh 1/2 Gali No. 5 Pandav Road Third Floor Vishwas Nagar Shadra Delhi- 110032.
6. Shilalekh Publishers, Through its Proprietor Shatish Sharma 4/32 Ground Floor Subhash Gali Vishwas Nagar Shahdra Delhi- 110032.
7. Roopantar, Through its Proprietor Dharmesh Ranga Rattani Vyason ka Chowk Bikaner 334005.
8. Subodh Pocket Books, through its Proprietor Anil Kumr Arya 2/4240 A, Ansari Road New Delhi- 110002.
9. Asia Publishers, through its Proprietor Ratika Chopra A-36 Chetak Apartments Rohini Sector 9 Delhi 110085.
10. Akhil Bhartiya Hindi Prakashak Sangh, through its Mahamantrish. Saurav Sharma, 30/35-36, Street No. 9, Vishwas Nagar, Delhi- 110032.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. Additional Chief Secretary cum Principal Secretary, Department of Education, Government of Bihar, Naya Sachivalaya, Patna- 800001.
3. Bihar Education Project Council, Through State Project Director, Shiksha Bhawan, II nd and III rd Floor, Bihar Rashtra Bhasha Parishad, Saidpur, Rajendra Nagar, Patna- 800004.
4. Union of India, through its Secretary, Ministry of Education, Department of School Education and Literacy, Government of India, Shastri Bhawan, New Delhi- 110115.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1762 of 2022

1. M/s University Book House Private Limited through its Director, Arun Kumar Sharma, Male, aged about 62 years S/o Prem Nath Sharma, 79, Chaura Rasta, Jaipur.
2. Arun Kumar Sharma, S/o Prem Nath Sharma, resident of House no. 30/35-36, Gali No. - 9, near Bank of Baroda Vishwash Nagar, Shahdara, Delhi.

... .. Petitioner/s



Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. Additional Chief Secretary cum Principal Secretary, Education, Government of Bihar, Patna, Naya Sachivalaya, Patna - 800001.
3. State Project Director, Bihar Education Project Council, Shiksha Bhawan, Rashtrabhasha Parishad Campus, Saidpur, Rajendra Nagar, Patna - 800004.
4. M/s Gyan Ganga through its Proprietor, 2/42 Ansari Road, Daryaganj, New Delhi- 110002.
5. M/s Prabhat Agrawal HUF/M/s Gyan Vigyan Educare, 3639 1st Floor, Netaji Subhash Marg, Daryaganj, New Delhi.
6. M/s Pratibha Pratishthan through its Proprietor 694-B, Chawri Bazaar, Delhi - 110006.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4928 of 2022

Akhil Bhartiya Hindi Prakashak Sangh, through its Secretary Mr. Dharmesh Ranga aged about 58 years, Male, resident of 4/363, P.S. Malviua Nagar, District-Jaipur, Rajasthan, Office of 30/35-36, Street No. 9, Vishwas Nagar, Delhi-110032.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. Additional Chief Secretary cum Principal Secretary, Department of Education, Government of Bihar, Naya Sachiwalayaa, Patna-800001.
3. Bihar Education Project Council, through State Project Director, Shiksha Bhawan, Rashtrabhasha Parishad Campus, Saidpur, Rajendra Nagar, Patna-800004.
4. Union of India through its Secretary, Ministry of Education, Department of School Education and Literacy, Government of India, Shastri Bhawan, New Delhi-110115.
5. M/s Prabhat Agrawal HUF/M/s Gyan Vigyan Educate, 3639, 1st Floor, Netaji Subhash Marg, Dayaganj, New Delhi.
6. M/s Gyan Ganga through its proprietor, 2/42, Ansari Road, Dayaganj, New Delhi-110002.
7. M/s Pratibha Prakashan, through its proprietor, 694-B, Chawri Bazar, New Delhi-110006.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 1008 of 2025)

For the Petitioner/s : Mr. Amit Kumar, Sr. Advocate (SC)
Mr. Sumit Kumar, Advocate
Mr. Ranjan Kumar Sinha, Advocate
For the Respondent/s : Mr. P.K.Shahi, A.G.
Mr. Anjani Kumar, AAG-4



Mr. Alok Kumar Rahi, Advocate
Mr. Amit Jha, Advocate
Mr. Sanjay Kumar, Advocate
For the BEPC : Mr. Girijesh Kumar, Advocate
(In Civil Writ Jurisdiction Case No. 1762 of 2022)
For the Petitioner/s : Mr. Amit Kumar, Sr. Advocate (SC)
Mr. Sumit Kumar, Advocate
Mr. Ranjan Kumar Sinha, Advocate
For the Respondent/s : Mr. P.K.Shahi, A.G.
Mr. Anjani Kumar, AAG-4
Mr. Alok Kumar Rahi, Advocate
Mr. Amit Jha, Advocate
Mr. Sanjay Kumar, Advocate
For the BEPC : Mr. Girijesh Kumar, Advocate
(In Civil Writ Jurisdiction Case No. 4928 of 2022)
For the Petitioner/s : Mr. Amit Kumar, Sr. Advocate (SC)
Mr. Sumit Kumar, Advocate
Mr. Ranjan Kumar Sinha, Advocate
For the Respondent/s : Mr. P.K.Shahi, A.G.
Mr. Anjani Kumar, AAG-4
Mr. Alok Kumar Rahi, Advocate
Mr. Amit Jha, Advocate
Mr. Sanjay Kumar, Advocate
For the BEPC : Mr. Girijesh Kumar, Advocate
For the Union of India : Mr. Praveen Kumar Sinha, Advocate

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

Date : 05-05-2025

Heard Mr. Amit Kumar, the learned Senior Advocate for the petitioners in these set of writ petitions and Mr. Anjani Kumar, the learned AAG-4 for the State.

2. The primary grievance of the petitioners is that the eligibility/ qualification criteria in the request for proposal for supply of books in Government schools, viz., of having average turnover of Rs. 4 crores for three



financial years, is arbitrary, whimsical and has the potency of excluding good publishers with sound financial health to participate in such bid.

3. We are afraid, this is not an area in which Courts could intrude. Fixation of the eligibility criteria is entirely within the purview of the executive and the Courts hardly have any role to play in this process, except when the action of the State is absolutely arbitrary and unreasonable. [Refer to **Michigan Rubber (India) Limited vs. State of Karnataka and others (2012) 8 SCC 216**].

4. The very fact that for all these years, the same condition has been incorporated in such tenders which have attracted many bidders and supply of books have been made, is indicative of the fact that the conditions are not very onerous.

5. Be that as it may, the supplies against the present tender have already been made.

6. Mr. Amit Kumar, however, submitted that



merely because some time has elapsed, that would be no ground to consign such petitions as a Court of law always guards the rights of a party and the judicial remedy does not become stale under any circumstance.

7. In the present set of circumstances where supply of books in the schools have already been made, we do not wish to decide such hypothetical issues as to whether, in such a situation, a private party would be entitled to have the hands of the clock turned back and in this case, by way of compensation, as for that a separate case of tort, misfeasance, negligence or breach of statutory duty will be required to be proved.

8. For the aforementioned reasons, we consign all the three writ petitions.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Bibhash/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	7.5.2025
Transmission Date	NA

