

GAHC010227822024



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**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WA/386/2024**

DIGANTA BORAH  
S/O LATE SARAT CHANDRA BORAH, RESIDENT OF SIVAMANDIR PATH,  
KHANAPARA, GUWAHATI 781022

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE PRINCIPAL SECRETARY, GOVT OF ASSAM,  
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT, DISPUR, ASSAM,  
GHY-06

2:THE DIRECTOR  
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT  
ASSAM  
CHENIKUTHI  
GUWAHATI-03

3:THE BID PROCESS MANAGEMENT COMMITTEE  
REPRESENTED BY ITS CHAIRMAN  
OFFICE OF THE DIRECTOR  
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT  
CHENIKUTHI  
GUWAHATI-03  
ASSAM

4:THE DISTRICT ANIMAL HUSBANDRY AND VETERINARY OFFICER  
NALBARI  
NALBARI  
ASSAM  
PIN-781335

5:BALEN ROY MEDHI

S/O LT. RAJMOHAN ROYMEDHI  
R/O BHARALUMUKH  
KUMARPARA  
K.R.B. ROAD  
GHY-09  
P.S.-BHARALUMUKH  
DIST-KAMRUP (M)  
ASSAM  
PIN-78100

**Advocate for the Petitioner** : MR. H N SARMA, MR. R M DEKA,MR. K N CHOUDHURY,N  
GAUTAM

**Advocate for the Respondent** : GA, ASSAM,

Linked Case : WA/388/2024

BOBITA BORAH  
W/O SRI JAYANTA BORAH

RESIDENT OF SIVAMANDIR PATH  
KHANAPARA GUWAHATI 781022

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE PRINCIPAL SECRETARY  
GOVT OF ASSAM  
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT  
DISPUR ASSAM GHY-06

2:THE DIRECTOR  
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT  
ASSAM  
CHENIKUTHI GUWAHATI-03

3:THE BID PROCESS MANAGEMENT COMMITTEE  
REPRESENTED BY ITS CHAIRMAN  
OFFICE OF THE DIRECTOR  
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT  
CHENIKUTHI GUWAHATI-03 ASSAM

4:THE DISTRICT ANIMAL HUSBANDRY AND VETERINARY OFFICER  
NALBARI  
NALBARI ASSAM  
PIN-781335

5:BALEN ROY MEDHI  
S/O LT. RAJMOHAN ROYMEDHI  
R/O BHARALUMUKH  
KUMARPARA  
K.R.B. ROAD  
GHY-09  
P.S.-BHARALUMUKH  
DIST-KAMRUP (M)  
ASSAM PIN-781009

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Advocate for : MR. H N SARMA  
Advocate for : GA  
ASSAM appearing for THE STATE OF ASSAM AND 4 ORS

Linked Case : WA/381/2024

THE STATE OF ASSAM AND ORS  
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM  
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT DISPUR  
ASSAM GHY-06

2: THE DIRECTOR  
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT ASSAM  
CHENIKUTHI GUWAHATI-03

3: THE BID PROCESS MANAGEMENT COMMITTEE  
REPRESENTED BY THE CHAIRMAN  
OFFICE OF THE DIRECTOR OF ANIMAL HUSBANDRY AND VETERINARY  
DEPARTMENT ASSAM CHENIKUTHI GUWAHATI-03 ASSAM

4: THE DISTRICT ANIMAL HUSBANDRY  
VETERINARY OFFICER NALBARI ASSAM

VERSUS

BALEN ROY MEDHI  
S/O- LATE RAJMOHAN ROYMEDHI  
R/O- BHARALUMUKH  
KUMARPARA  
KRB ROAD  
GHY-09  
P.S- BHARALUMUKH  
DIST- KAMRUP (M)  
ASSAM PIN-781009

2:HEMANTA KUMAR BORAH  
RESIDENT OF SIVAMANDIR PATH KHANAPARA GUWAHATI-22 ASSAM

For the appellants : Mr. K.N. Choudhury, Sr. Advocate  
Assisted by Ms. R.R. Kakati,  
Advocate in WA 386/2024 & WA 388/2024  
Mr. D. Nath, Sr. Govt. Advocate,  
Assam in WA 381/2024

For the respondents : Mr. D. Nath, Sr. Govt. Advocate,  
Assam for respondent Nos.1 to 4 in  
WA 386/2024 & WA 388/2024

– B E F O R E –

**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI**  
**HON'BLE MR. JUSTICE KAUSHIK GOSWAMI**

**25-11-2024**

*(Vijay Bishnoi, C.J.)*

These writ appeals are preferred by the appellants being aggrieved with the common judgment and order dated 27.09.2024 passed by the learned Single Judge in WP(C) Nos.1069/2024, 1178/2024, 998/2024, 996/2024 and 1071/2024.

It is submitted that the learned Single Judge has erred in interfering in the matter of allotment of contract. It is submitted that the learned Single Judge has recorded the finding that the process adopted for allotting the works to the private respondent herein is not in accordance with law. It is also submitted that there is no requirement for a bidder to furnish the details from whom he is going to purchase the material. It is submitted that the State Government, after taking into consideration the fact that the successful bidder was L-1 and he is capable of carrying out the construction work, has allotted the contract in

accordance with law.

Having heard the learned counsel appearing for the parties, we are of the view that the matters require consideration. Hence, issue notice, returnable in four weeks.

Mr. D. Nath, learned Senior Government Advocate, Assam puts in appearance on behalf of the respondent Nos.1 to 4 in WA 386/2024 and WA 388/2024. Hence, no formal notice need be issued to the said respondents.

Mr. K.N. Choudhury, learned senior counsel puts in appearance on behalf of the proforma respondent in WA 381/2024.

Let notice be issued only to the private respondent in all the three writ appeals.

Appellants to take steps for service of notice upon the private respondent by registered post with A/D within three days.

In the meantime, effect and operation of the impugned judgment and order dated 27.09.2024 passed by the learned Single Judge shall remain stayed in respect of all the appeals.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**