

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1055 of 2013

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Shamser Alam S/o Late Abdul Zabbar R/o Rafiganj Sadar Bazar, P.O. +
P.S.- Rafiganj, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. The State Election Commission through State Election Commissioner,
Bihar, Patna
3. The Chief Election Officer, Bihar, Patna
4. The District Election Officer-cum-District Magistrate, Aurangabad
5. The Deputy Election Officer, Aurangabad
6. The Block Development Officer, Rafiganj, District- Aurangabad
7. The Chief Electoral Officer, Bihar

.... Respondent/s

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Appearance:

For the Petitioner/s	: Mr. Manindra Kishore Singh, Advocate
	: Mr. Sanjay Mandal, Advocate
For the Chief Electoral Officer	: Mr. J.P. Karn, Sr. Advocate
For the State	: Mr. Avinash Kumar, SC-30

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

6 07-12-2015 Heard learned counsel for the petitioner, learned counsel
for the State and Mr. J.P. Karn for the Chief Electoral Officer.

The petitioner has raised a grievance as regarding non-payment of the bills submitted by him for the items supplied to the State and the election agencies during the course of assembly election at Rafiganj in the district of Aurangabad. The matter relates to the assembly election held in 2010. It is the grievance of the petitioner that for the items so supplied by him, he raised a bill to the tune of Rs. 10,72,198/- before the Block Development



Officer who recommended for payment of an amount of Rs. 4,87,906/-. It is the case of the petitioner that although he has received an advance of Rs. 2,49,689/- as against the said supplies but the balance of the amount payable to the petitioner as recommended by the Block Development Officer of Rs. 4,87,906/- which comes to Rs. 2,18,013/- has not been paid to him.

A counter affidavit was filed on behalf of the State enclosing a proceeding of a three member committee presided by the Additional Collector and who upon examination of the matter found only a sum of Rs. 2,18,013/- payable to the petitioner.

It is in consideration to the nature of the dispute that the Chief Electoral Officer, Bihar was added as a party and Mr. Karn, learned senior counsel representing him, has appeared to produce a letter of the District Election Officer-cum-District Magistrate, Aurangabad and to submit that whatsoever amount was found admissible to the petitioner, has been paid to him. It is stated that although a huge bill was raised by the petitioner to the tune of Rs. 10,72,198/- which upon examination was recommended by the Block Development Officer for Rs. 4,87,906/- but the bills were examined by a three member committee who upheld the bills to the tune of Rs. 2,18,013/-. It is thus submitted that since the

petitioner was already advanced a sum of Rs. 2,48,689/- hence it is the petitioner himself who has to return Rs. 31,676/- after adjusting the dues found admissible.

Having heard learned counsel for the parties and considering the circumstances that the claim was examined by a three member committee and the claim found admissible has been paid to the petitioner, the claim raised by the petitioner for the balance sum in the disputed circumstances cannot be examined in a writ jurisdiction and the petitioner if so advised may raise his claim for the balance amount before the appropriate forum as available to him.

With the observations aforementioned, the writ petition is disposed of.

(Jyoti Saran, J)

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