

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21887 of 2014

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1. Shri Arjun Pandit S/o Late Jageshwar Pandit R/o village - Navtolia Banni, P.O. Babubagicha via Mansi, District - Khagaria

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
2. The Director, Land Record and Survey Department, Government of Bihar, Patna
3. The Collector - Cum - Settlement officer, Khagaria
4. The Incharge Settlement officer, Khagaria
5. Shri Ravindra Kumar Singh, Assistant Settlement officer, Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Alok Ranjan
Ms. Archana Jha

For the Respondent/s : Mr. SC9-Raj Nandan Prasad

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 23-03-2015

Since this Court cannot issue a mandamus to continue with a contract especially when the work of the petitioner was not found to be satisfactory, details of which have been already indicated in paragraph 7 of the counter affidavit, the remedy for the petitioner may be a suit for breach of contract but not a mandamus under Article 226 of the Constitution of India. The reliance placed by the petitioner on a decision rendered in the case of ***Sujit Kumar Mishra v. the State of Bihar, reported in 2014 (3) PLJR 500*** may not apply in the present facts and circumstances of the case because it is not a case that there was no reason for the respondent authorities not to consider claim of the petitioner for continuation of the contract. The

allegation so made has been denied and that allegation has only been made with an object of overcoming his inadequacy and incompetence.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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