

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.214 of 2014

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M/S Hyper Sascon Limited, Registered Office, 102, C.R. Complex, R.K. Bhattacharya Road, Patna- 1, Through Its Managing Director Namely Shyamji Saran Son Of Sri Krishna Nandan Sharan Resident Of Mohalla- Road N.G.C. Gardanibagh, P.S.- Gardanibagh, District- Patna

.... Petitioner

Versus

1. The Principal Secretary, Education Department, Government Of Bihar, Patna
 2. The Director, Primary Education, Education Department, Government Of Bihar, Patna
 3. The District Magistrate-Cum-Chairman, District Computer Centre Society, Bankipur Liter School (Girl's) Campus
 4. The District Information Officer-Cum-Secretary, District Computer Centre Society, Patna
- The District Education Officer, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Mukund Mohan Jha, Advocate
For the State : Mr. Narendra Kumar Singh ,AC to GP II

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 02-02-2015

This is the second time when this petitioner has approached this Court by filing a writ application. On earlier occasion this petitioner has approached this Court by filing C.W.J.C. No. 4805/2007 which was disposed of vide order dated 6.2.2009. A copy of which has been appended as Annexure 2.

Petitioner, as per his claim, in terms of the agreement vide the State had under taken to impart computer education to all school-going children of Government Schools run by the Government in Patna from Class VI to XII. However, dispute arose with regard to

the payment of bills. This Court in the aforesaid order had observed and directed as under:

“X X X X X X X

In my view, there cannot be a more arbitrary action in this regard. I therefore have no option but to direct that within one month from today State would make whatever enquiry is necessary and furnish the same to the petitioner with regard to quantification of petitioner's dues. Petitioner would have an opportunity to rebut the enquiry reports and then within three months from today, the District Magistrate – cum – Collector, Patna would ensure full and final settlement of petitioner's claim to the extent admitted by the State.

With the aforesaid observation and directions, the writ petition stands disposed of.”

A three man committee was constituted as per the direction of this Court which gave its report on 7.5.2010. A copy of which has been appended as Annexure 3.

Thereafter, the petitioner being dissatisfied, filed M.J.C. No. 3407 of 2009 which was disposed of on 6/3/2013 holding that admitted dues of Rs. 8,67,927/- has already been paid to the petitioner during the pendency of the aforesaid case and, for disputed part or for challenging the inquiry report, the petitioner was granted liberty to impugn the same in any appropriate proceedings. He, thereafter, moved before the District Magistrate – cum – Chairman of the District Computer Centre Society, Patna on 7.6.2013. It is

submitted that no decision has taken as yet by the District Magistrate.

From perusal of Annexure 6 it does not appear that any detail and serious challenge has been made to the inquiry report pointing out the lacuna in it. It is rather a very sweeping and vague representation.

However, this Court would be inclined to grant another opportunity to the petitioner to approach the District Magistrate concerned by filing a proper representation pointing out the lacuna / defect in the concerned inquiry report and making out his claim. If that is done, let the same be disposed of by the District Magistrate in accordance with law within a period of two months from the date of filing of such representation along with a copy of this order.

It is also made clear that the petitioner's claim is that the payment has not been made even in accordance with the report of the Committee. That aspect could also be raised by him before the District Magistrate concerned and which should also be addressed by him being the Chairman of the concerned Society.

(Dr. Ravi Ranjan, J)

Spd/-

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