

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.38 of 2014

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1. Jan Vikash Samiti Itasagar, A Social Organization having its Office at Village - Itasagar, P.O. - Dhadhour, District - Jamui through its Secretary, Ramashish Singh Son of Late Janardhan Singh Resident of Village - Itasagar, P.S. - Sikandra, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Collector-Cum-District Magistrate, Jamui, District - Jamui
4. The Deputy Development Commissioner Cum Chairman, District Water and Cleanliness Committee, Jamui, District - Jamui
5. The District Superintendent of Education Cum-District Education Officer Cum District Programme Coordinator, Jamui District - Jamui
6. The District Program Officer, Primary Education Jamui District - Jamui
7. The Executive Engineer-Cum-Secretary, Water and Cleanliness Committee, Jamui, District - Jamui
8. The Executive Engineer, Public Health and Engineering Department, Jamui, District - Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amar Prakash, Adv.

For the Respondent/s : Mr. Sanjay Kr No.1, S.C.12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 29-09-2015 Heard Mr. Amar Prakash learned counsel for the petitioner and learned counsel for the State.

The petitioner is aggrieved by the order bearing memo No.282 of the Collector, Jamui whereby the representation of the petitioner has been disposed of with the direction to the petitioner to support his contention by producing supportive document reflecting the work discharged by him. The records manifests that it is in the year 2006 that the petitioner was granted contract for construction of two toilets in each of the 37 schools. The



agreement is dated 30.7.2006 present at Annexure-6 and the construction had to be executed within two months as per the modalities prescribed in the agreement. The disbursement of the amount was to be in three installments i.e. 50% in first installments, 25% in the second and the balance 25% in the final installments. According to the petitioner, as per the money released he had completed work in 11 schools, the details of which is given in Annexure-4/A.

Mr. Amar Prakash with reference to the guidelines issued in this regard present at Annexure-11 submits that for each of the toilets the amount sanctioned was Rs. 39,690/-. It is the grievance of the petitioner that since the payment was irregular that it hampered the execution of the project and for which he filed several representations but to no avail. The details present at Annexure-4A reflects that for each of the 37 schools an amount of Rs. 36,000/- was sanctioned by the respondents and 50% thereof amounting to Rs. 6,66,000/- was released. As per own admission of the petitioner, although he has completed work in 11 schools, he has supplied the materials for construction of the toilets in three of the schools but was precluded from carrying out the remaining work on account of irregular payment. The petitioner after representing before the authorities approached this Court in



C.W.J.C.No.15880 of 2012 and which was disposed of vide order passed on 31.8.2012 with the direction to the Collector to consider the grievance of the petitioner in the light of Clause 8 of the agreement which vested jurisdiction in the Collector to consider any such grievance. The petitioner filed a representation present at Annexure-9 and which has been disposed of with the direction to the petitioner to support the work executed by him by a compact disc as well as by furnishing utility certificate from the concerned headmasters of the schools. The petitioner instead of discharging the obligation has rushed before this Court.

The issue of execution of work is an issue of fact and taking note of the fact that the District Magistrate in consideration of the grievance of the petitioner has given him opportunity to support the same by filing supportive documents, in my opinion, the order at the present stage does not warrant any indulgence. The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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