

1. M/S K.K. through its in Bhagwat
2. M/S Nish Proprietor Niwas, M
3. M/S San through i Bhagwat
4. M/S Patil Pramod P 800 026.

.... Petitioner/s

1. The State of Bihar, through the District Magistrate Cum - Chairman, District Literacy Committee, Muzaffarpur Complex Building, Near Railway Station, Muzaffarpur.
2. The Secretary, District Literacy Committee, Muzaffarpur, Complex Building, Near Railway Station Muzaffarpur as well as a member of the Enquiry Party formed, thereon.
3. The District Literacy Committee through its secretary, Muzaffarpur Complex Building, Near Railway Station, Muzaffarpur.
4. The Additional District Magistrate Muzaffarpur cum a Member of the Enquiry Party formed pertaining to Literacy Committee, Muzaffarpur.
5. The Enquiry Party formed by the District Magistrate cum Chairman District Literacy Committee Muzaffarpur, Complex Building, Muzaffarpur, through the Additional District Magistrate Muzaffarpur.
6. The Executive Magistrate, Muzaffarpur, Member of Enquiry Party formed pertaining to District Literacy committee, complex Building Muzaffarpur.
7. The General Manager, District Industry Centre, Muzaffarpur, member of the Enquiry Party, Pertaining to District Literacy Committee, Muzaffarpur.
8. The District Superintendent of Education, Muzaffarpur, Member of the Enquiry Party, Pertaining to the District Literacy Committee Muzaffarpur, Complex Building, Muzaffarpur.

.... Respondent/s

For the Petitioner/s : Mr. R.G. Pandey
Mr. Rajnandan Prasad Singh

For the Respondent/s : Mr. D.K. Sinha, AAG 2
Mr. Pramod Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL JUDGMENT
Date: 05-05-2015

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Heard the parties.

The petitioners, seven in number, have filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents to release 10% of their bill amounts for supply of books and some other articles, which were withheld/retained by the respondents.

Learned counsel appearing on behalf of the petitioners submits that the petitioners, for the identical reliefs, had earlier moved this Court in C.W.J.C. No.9197 of 2009 and its analogous matters, which all were finally disposed of by order dated 05.08,2009 (Annexure-3). By the aforesaid order the petitioners were granted liberty to file representation before the respondent no. 2 raising their grievances. It is further submitted that on account of non-compliance of the aforesaid order, the petitioners filed contempt petition vide M.J.C. No. 1231 of 2010 and its analogous cases. However, the aforesaid contempt petition was finally dismissed by order dated 28.07.2010 (Annexure-5) with an observation that if the petitioners have any grievance, they may represent to the authority concerned. Learned counsel appearing on behalf of the petitioners submits that in the light of the aforesaid observation the petitioners submitted their representation, yet their valid grievances were not redressed by the respondents.

The matter has been contested by the respondents. A counter-affidavit has been filed on behalf of the respondent no.2. Learned AAG-2 appearing on behalf of the respondents, by referring to the averments made in the aforesaid counter-affidavit, submits that

in order to examine the claim of the petitioners, an enquiry committee was constituted by the order of the District Magistrate, Muzaffarpur. The aforesaid enquiry committee submitted its report dated 24.04.2010, which is brought on record as Annexure-A to the aforesaid counter-affidavit. It is pointed out by the learned State counsel that the quality of books supplied by the petitioners were found to be of inferior quality. It is contended that in the light of the report of the enquiry committee, 10% deductions have been made from the bills of the petitioners. In fact, in different paragraphs of the aforesaid counter affidavit, claims raised on behalf of the petitioners have been seriously disputed.

In the aforesaid factual matrixes since the claims raised on behalf of the petitioners are under serious dispute by the respondents particularly in the light of the findings recorded by the enquiry committee, this Court does not find any good ground to accede to the prayer made on behalf of the petitioners for payment of contractual dues.

In the result, the writ petition has to fail and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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