

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13772 of 2012

Samagra Vikash Samittee Through Secretary Shree Ram Singh S/O Late Hari Prasad Singh R/O Mohalla- Sareya Kali Mandir Ward No.4, Gopalganj, District-Gopalganj

.... Petitioner/s

Versus

1. The Union Of Inida Through Its Secretary Rural Development, Government Of India
2. The State Of Bihar Through Its Secretary, P.H.E.D., Government Of Bihar, Patna
3. The Vigilance Commissioner, Government Of Bihar, Patna
4. The Engineer In Chief Cum Special Secretary Technical Examiner Cell, Ministerial Vigilance Department, Govt. Of Bihar, Patna
5. The Auditor General, Bihar, Patna
6. The Commissioner Of Income Tax, Muzaffarpur
7. The Superintending Engineer Cum Chairman Core Group Of Technical Cell, P.H.E.D., Circle Saran, Chapra
8. The District Magistrate Cum Working President District Water And Sanitation Mission, Gopalganj
9. The District Development Commissioner cum Chairman District Water and Sanitation Committee, Gopalganj
10. The Executive Engineer cum Secretary District Water And Sanitation Committee, P.H.E.D., Gopalganj

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. AKHILESH KUMAR
For the State Mr. Amarendra Kumar
For Income Tax Mr. R. Roy
For the UOI Mr. S.N. Pathak

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 01-12-2015

Having heard the counsel for the parties, I. A. No. 6029 of 2013 is allowed. The petitioner, Non-Governmental Organization (NGO) shall now be represented by Shree Niraj Kumar Singh who is currently serving as the Secretary of the Samgra Vikash Samittee.

The petitioner-Organization was selected as an Agency by the respondent-State for the implementation of the Project called Total Sanitation

Campaign sponsored by the Central Government and implemented through the State Government. The grievance of the petitioner is that while the work was being discharged the respondent selected another Agency (NGO) and gave part of the job towards implementation of the Project to another NGO which was earlier allotted to the petitioner-Organization. This was done without complying with the guidelines issued in this behalf.

In the counter affidavit, the respondents have stated the reasons for assigning part of the job to another Organization/NGO. It is stated that the petitioner has completed only about 40% of the total work allotted to him and on an inspection those works were also not found as per the requirement of the Total Sanitation Campaign. In such circumstances, the work has been assigned to some other NGO.

Obviously, no legal right of the petitioner has been infringed. If at all there is any such right that arises out of the work order or the agreement which the petitioner might have signed with the respondent-State. The respondents have adequately explained the reasons in the counter affidavit.

In the writ jurisdiction, this Court finds it difficult to grant the relief to the petitioner ignoring the reasons which the respondent-State has explained. The best Judge of such matter would be the respondents who are entrusted with the execution of the work through the NGO, like the petitioner. Declining the relief, this Court would permit the petitioner to agitate his grievance, if any, as raised in this writ application before the appropriate forum/authority in accordance with law.

After the order was dictated, it has been submitted that some work was executed by the petitioner under the said Project for which the payment has not till date been made to the petitioner. If that be so, this Court would further

grant the petitioner liberty to approach the competent authority of the State-respondent for payment of the outstanding legal dues. If any such application is filed, I am sure the concerned respondent shall consider the same and take appropriate decision and/or pass order in accordance with law.

The application is disposed of.

(Kishore Kumar Mandal, J)

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