

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14296 of 2013

Champan Yuva Kalyan Society, Ram Nagar, West Champaran Through Its Secretary Namely Md. Nadrudin Son Of Late Md. Quasim Resident Of Mohalla - Purani Bazar, At + P.O. + P.S. - Ram Nagar, District - West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Department Of Health, Govt. Of Bihar, New Secretariat, Patna
2. The Director In-Chief, Department Of Health, Govt. Of Bihar, New Secretariat, Patna
3. The Executive Director, District Health Society, Patna, Bihar
4. The District Health Society, Sitamarhi Through Civil Surgeon-Cum-Member Secretary, Sitamarhi
5. The District Magistrate-Cum-Chairman, District Health Society, Sitamarhi
6. The District Programme Officer, District Health Society, Bihar, Patna
7. Om Prakash Panjiyar, The Civil Surgeon Cum Chief Medical Officer-Cum Secretary, District Health Society, Sitamarhi

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. ARUN KUMAR
For respondent no.7 M/s Vivek Prasad GP 7
Deepanjali Gupta, AC to GP 10
S. K. Saraf AC to GP 7
For the Health Society Mr. K.K.Sinha

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 05-08-2016

Heard Mr. Arun Kumar for the petitioner and Mr. K.K.Sinha for the District Health Society.

The writ application prays for a direction upon the respondents, particularly the District Health Society (respondent no.4) to make payment of the admitted dues of the petitioner for running the Nutrition Rehabilitation Central (NRC) at Sitamarhi after having been so selected. On the basis of Annexure 6 and 7, it is stated that in the assessment of the respondent State or through an enquiry it was found and recommended that the petitioner did discharge his duty

of running the Centre for the said period. Some payment was also made to the petitioner. Subsequently, the district authority refused to make payment of the remaining dues of the petitioner. Hence the writ petition.

A counter affidavit is filed on behalf of respondent nos. 4 to 7 wherein it has been stated that the enquiry/assessment report submitted earlier was found unsatisfactory and under order of the District Magistrate, who heads the District Health Society, another enquiry was made wherein it was revealed that the petitioner had desirably failed to perform the duty as per the agreement and was not entitled to the grant/payment for the period in question.

On going through diverse pleadings and after hearing the parties, it appears to this Court that the dues of the petitioner for having allegedly run the Centre for the period 03.09.2011 to 14.09.2012 satisfactorily has seriously been disputed by the respondents. In the circumstances, this Court finds difficulty in granting the relief to the petitioner by invocation of its extraordinary and discretionary writ jurisdiction.

The counsel for the petitioner submits that the petitioner shall not press the writ application and instead ventilate the grievance before the authority.

While declining the relief, the writ application stands disposed of permitting the petitioner to ventilate his grievance before the concerned authority of the District Health Society, Sitamarhi.

(Kishore Kumar Mandal, J)

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