

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6254 of 2014

=====

JAN PRAGATI SANSTHAN, SABALBIGHA, SIKANDRA JAMUI, BIHAR
THROUGH ITS SECRETARY MAHENDRA PASWAN S/O LATE BHUSHAN
PASWAN RESIDENT OF VILLAGE - JASIDIH, P.O. - LACHHUAR, P.S. -
SIKANDRA, DISTRICT - JAMUI

.... PETITIONER

VERSUS

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY,
HEALTH DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
2. THE PRINCIPAL SECRETARY, HEALTH DEPARTMENT, GOVERNMENT
OF BIHAR, PATNA
3. DISTRICT HEALTH SOCIETY, NAWADA THROUGH ITS PRESIDENT-
CUM-DISTRICT MAGISTRATE, NAWADA
4. THE DISTRICT MAGISTRATE-CUM-PRESIDENT, DISTRICT HEALTH
SOCIETY, NAWADA
5. THE CIVIL SURGEON-CUM-SECRETARY, DISTRICT HEALTH SOCIETY,
NAWADA

.... RESPONDENTS

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Kishore Verma, Advocate

For the Respondent/s : Mr. RAJESH SINGH

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-01-2016

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for a direction
to the respondents for making payment of the admitted dues
amounting to Rs. 14,47,445.23 in connection with
operationalising and carrying on the Nutritional Rehabilitation
Centre in the District Hospital, Nawada, Bihar pursuant to a
contract/MOU dated 19.07.2012 along with interest; and also for

renewal of the contract/MOU on terms contained therein.

3. At the very outset, learned counsel for the petitioner states that a copy of the counter affidavit has served upon him, according to which Cheque No. 227276 dated 27.11.2014 for an amount Rs.11,82,197/- has been paid to the petitioner in his Bank account. It is however submitted that even so, there would still remain some outstanding amount due to the petitioner. It is further stated that the Respondents had been requested to renew the contract/MOU dated 19.07.2012 to which the petitioner is entitled in terms of Part II thereof, especially in the backdrop of the report of the SHSB/DHS with a recommendation in the petitioner's favour. It is further stated that the petitioner has since filed a representation dated 20.09.2013 for such renewal, but there is inaction on the part of the respondents in this regard.

4. Learned counsel for the respondents submits that as far as admitted dues are concerned, the same have already been paid to the petitioner as stated in the counter affidavit.

5. Having heard the parties and on consideration of the materials on record, the writ petition is disposed of, with liberty granted to the petitioner to file a fresh representation before the Civil Surgeon-cum-Secretary, District Health Society, Nawada (Respondent No. 5) with regard to remaining claim of dues for the work done along with interest as well as for renewal of the

contract/MOU. If any such representation is filed, within a period of two weeks from today the Respondent No. 5 shall consider and dispose of the same within a period of eight weeks thereafter in accordance with law after granting an opportunity of hearing to the petitioner.

6. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran

U			
---	--	--	--