

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1925 of 2015

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Manorma Devi W/o Late Awadhesh Kumar Singh, Resident of Village - Barhouna,
P.O. and P.S. - Godda, District - Godda (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Special Secretary, Rural Works Department, Vishveshvaraiya Bhawan, Bailey Road, Patna.
4. The Chief Engineer-4, Headquarter, Rural Works Department, Vishveshvaraiya Bhawan, Bailey Road, Patna.
5. The Superintending Engineer, Rural Works Department, Works Circle, Bhagalpur, District - Bhagalpur.
6. The Executive Engineer, Rural Works Department, Works Division, Banka - 1, District - Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha, Advocate.

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 23-02-2016

Heard learned counsel for the parties.

Learned counsel for the State prays for and is granted liberty to make correction in the serial number of the paragraphs in the counter affidavit filed by him. Let the same be done during the course of the day.

The petitioner has moved the Court against the order contained in Memo No. 1893 Banka dated 04.12.2014 issued by the respondent no. 6 by which her claim to continue with the work allotted to her late husband has been rejected.



Learned counsel for the petitioner submits that her late husband was a contractor for the works in question and consequent upon his sudden death, she had applied before the authorities concerned to permit her to complete the remaining work. It is submitted that her request was initially favourably recommended by the lower authorities and she also continued with the work, but ultimately the same was rejected on the ground that the registration of the contractor was of the State of Jharkhand and thus, the work could not be allotted to her. However, learned counsel submits that as far as the work, which has been already completed by the petitioner and her late husband, the authorities may pay the dues as per the actual measurement.

Learned counsel for the State, on the basis of averments made in the counter affidavit, submits that without going into the finer merits of the matter, they are agreeable to the measurement of the work being done in presence of the petitioner or her representative and the State authorities, for which the petitioner may give a suitable date.

Accordingly, as has been agreed between the parties, the writ petition stands disposed off with a direction to the petitioner to appear before the respondent no. 5 on 9th March 2016 along with a copy of this order and thereafter a mutually convenient date shall be

fixed by the parties for such measurement. It is directed that the same should be completed latest within two weeks from the petitioner appearing before the respondent no. 5. Upon the measurement being done, the respondent no. 5 shall ensure that whatever due payment is required to be made to the petitioner, the same shall also be made within the next four weeks.

(Ahsanuddin Amanullah, J)

Sujit/-

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