

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1545 of 2012

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Rakesh Ranjan, Son of Sri Devendra Prasad, resident of Yaduvanshi Nagar,
Digha Ghat, Police Station - Digha Ghat, Town and District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The State Health Society through its Executive Director.
3. The Executive Director, the State Health Society.
4. The In-charge Radiology & Pathology, the State Health Society.

Respondent nos.2 to 4, having their office at Parivar Kalyan
Bhawan, Sheikhpura, Patna- 800014.

5. The District Magistrate -cum- Chariman, District Health Society, Patna.
6. The Civil Surgeon -cum- Member Secretary, District Health Society, Patna.
7. The Sub-Divisional Officer -cum- Chairman, Rogi Kalyan Samiti, Danapur.
8. The Deputy Superintendent -cum- Secretary, Rogi Kalyan Samiti, Sub-Divisional Hospital, Danapur.

.... Respondents 1st Set

9. M/S. IGE Medical Systems through Proprietor, Rakesh Kumar, S/O Sri Mahangu Singh having its registered office at Gala No.11, First Floor, Saphalaya Industrial Estate, Plot No. 18, Survey No. 126/P, Amla Silvassa - 396230 (U.T.), Dadara & Nagar Haveli, having Branch Office at 703-Jagat Trade Centre, VIIth Floor, Fraser Road, Police Station- Kotwali, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.D. Yadav Mr. Rajiv Nayan Singh
For the Respondent-State	:	Mr. Sanjay Prasad, AC to AAG-6
For the State Health Society	:	Mr. K.K. Sinha Mr. Shashi Shekhar

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 16-02-2016

Heard Mr. S.D. Yadav, learned counsel appearing on
behalf of the petitioner, counsel for the State and counsel for the
State Health Society.

The petitioner has raised a grievance regarding non-
payment of the bills by the respondent nos. 8 and 9 for the work

discharged by the petitioner as sub-contractor of respondent no.9 in the matter of installation of ultrasound centres.

It is not in dispute rather it is an admitted position that an agreement was entered in between the State Health Society and the respondent no.9 for installation of ultrasound centres with liberty of sub-contract. A copy of such agreement is present at Annexure-4 to the writ petition. It is following such liberty that a sub-contract agreement was entered in between the respondent no.9 and the petitioner for installation of these centres. A copy of this agreement is placed at Annexure-1. It is the grievance of the petitioner that despite the work having been discharged by him as per the agreement entered in between him and the respondent no.9 with the permission of the State Health Society for which he is not being paid and according to him, a sum of Rs.7,25,000/- remained pending since 10.12.2011. The petitioner thus prays for the said amount along with the interest.

Although Mr. Yadav, learned counsel appearing for the petitioner has laboured hard to espouse the grievance of the petitioner and with reference to a letter of the Civil Surgeon – cum- Member Secretary, District Health Society addressed to the Superintendent of the Sub-Divisional Hospital, Danapur present at Annexure-5 it is argued that the letter for payment of

the dues though made in relation to the respondent no.9, was in fact on a representation made by this Court but considering the right being enforced by the petitioner in the light of the agreement entered in between him and the respondent no.9 present at Annexure-1, in my opinion the remedy for the petitioner would lie before the court of competent civil jurisdiction as it is purely a private dispute not having a public character nor a writ would lie for enforcing the terms of contract upon respondent no.9.

The petitioner, if so advised, may take recourse to the remedy of civil court or before any other forum for espousing his grievance but in the circumstances discussed and considering the nature of the dispute I am not persuaded to grant indulgence to the petitioner for the relief so prayed.

The writ petition is accordingly disposed of

(Jyoti Saran, J)

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