

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4436 of 2015

Chiranjiva Ranjan, S/o Late Mahabir Prasad Singh, Resident of Ranjan Bhawan, Bihar Sahyogi Press, Sahyogi Marg, Exhibition Road, P.O.- G.P.O. Police Station - Gandhi Maidhan, Patna- 800001, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Agriculture Production Commissioner, Agriculture Department, Vikash Bhawan, New Secretariat, Govt. of Bihar.
2. Bihar State Agriculture Marketing Board (Dissolved), Through the Administrator,
3. The Controller,
4. The Audit officer,
5. The Law officer, Respondent No. 3 to 5 are the officer of Bihar State Agriculture Marketing Board, Pant Bhawan, Bailey Road, Patna- 800001.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Chiranjiva Ranjan
For the State Mr. ASHOK KUMAR CHOUDHARY, AAG13
Mr. Anshuman Singh, AC to AAG 13

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 03-05-2016

Heard the petitioner in person and Mr. A. K. Choudhary, AAG-13 for the State.

The petitioner claims payment of his professional bills submitted by him. In this connection, he refers to Annexure-1 which is an order passed in respect of the petitioner by the erstwhile Bihar State Agriculture Marketing Board (now dissolved). Indisputably, certain amounts of the bill(s) have been paid to the petitioner. The petitioner claims payment of the remaining dues. Relying on 2014 (3) PLJR 515, it has been contended that the authority, being the public authority, has to apply its judicial mind to the facts of the case and take appropriate decision. The petitioner should also be given an opportunity to represent his case against non payment of some of the bills. In this connection,

the petitioner has referred to his representation enclosed at Annexure-5 which was filed before the Administrator of the respondent Board which remained unheeded to.

Mr. Choudhary, AAG-13, on the other hand, states that if it is a case of admitted dues then only the Court can pass a positive order. From the case at hand it does not appear that the claim for payment of bill(s) submitted by the petitioner has been admitted by the respondent Board. He, however, fairly states that an opportunity be granted to the petitioner to make a representation in this regard for consideration and disposal by the authority of the respondent Board.

Considering the facts and circumstances of the case, the application is disposed of by the following order:-

Let the petitioner file a fresh representation before the Administrator of the Board (respondent no.2) within 03 weeks along with all supporting documents/papers whereafter the said respondent shall examine the claim of the petitioner and take appropriate decision and/or pass appropriate order in accordance with law as quickly as possible, preferably within 02 months from the date of such filing/presentation of the representation.

(Kishore Kumar Mandal, J)

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