

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.360 of 2017

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1. M/s Puja Printech Private Limited, Set Making Agency, Industrial Area, Patliputra, Patna- 800013 through its Director Lok Prakash Singh, Son of Late Atmanand Singh.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. Bihar State Text Book Publishing Corporation, White House, Pathya Pustak Bhawan, Budha Marg, Patna- 800001 through its Managing Director.
4. The Managing Director, Bihar State Text Book Publishing Corporation, White House, Pathya Pustak Bhawan, Budha Marg, Patna- 800001.
5. The Manager (Marketing & Sales), Sarv Siksha, Bihar State Text Book Publishing Corporation, White House, Pathya Pustak Bhawan, Budha Marg, Patna- 800001.
6. The Accountant General (Audit), Bihar, Birchand Patel Marg, Patna- 800001.
7. The Bihar Education Project Council, Siksha Bhawan, Rashtrabhasha Parishad Bhawan Campus, Saidpur, Rajendra Nagar, Patna- 800004 through State Project Director.
8. The State Project Director, Bihar Education Project Council, Siksha Bhawan, Rashtrabhasha Parishad Bhawan Campus, Saidpur, Rajendra Nagar, Patna- 800004.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 417 of 2017

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1. M/s Puja Printech Private Limited, Set Making Agency, Industrial Area, Patliputra, Patna 800013 through its Director Lok Prakash Singh, Son of Late Atmanand Singh,

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. Bihar State Text Book Publishing Corporation, White House, Pathya Pustak Bhawan, Budh Marg, Patna 800001 through its Managing Director
4. The Managing Director, Bihar State Text Book Publishing Corporation, White House, Pathya Pustak Bhawan, Budh Marg, Patna 800001
5. The Manager (Marketing & Sales), Sarv Siksha, Bihar State Text Book Publishing Corporation, White House, Pathya Pustak Bhawan, Budh Marg, Patna 800001
6. The Secretary, Bihar State Text Book Publishing Corporation, White House, Pathya Pustak Bhawan, Budh Marg, Patna 800001
7. The Bihar Education Project Council, Siksha Bhawan, Rashtrabhasha Parishad



Bhawan Campus, Saidpur, Rajendra Nagar, Patna 800004 through State Project Director

8. The State Project Director, Bihar Education Project Council, Siksha Bhawan, Rashtrabhasa Parishad Bhawan Campus, Saidpur, Rajendra Nagar, Patna 800004

.... Respondent/s

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Appearance :

(In CWJC No.360 of 2017)

For the Petitioner/s : Mr. P.K. Shahi. Sr. Advocate
Mr. Vikas Kumar

For the State : Mr. Arvind Kumar, AC to GP 23

For the Corporation : Mr. Nikesh Kumar

For Bihar Education Project: Mr. Girijesh Kumar

For Accountant General : Mr. Anjani Sharan

(In CWJC No.417 of 2017)

For the Petitioner/s : Mr. P.K. Shahi, Sr. Advocate
Mr. Vikas Kumar

For the State : Mr. Narendra Kumar, AC to GP20

For the Corporation : Mr. Nikesh Kumar

For Bihar Education Project: Mr. Girijesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-02-2017

Heard the parties.

Since both the cases raise identical question of law, they have been heard together and are being disposed of by this common order.

In the present cases limited issue has been raised to be decided basically related to reconciliation of the accounts taking into consideration vouchers showing supply of book and the books kept in the godown.

As per the agreement petitioner has been appointed as set maker, the job of the set maker is making “set of text books classwise” with attached slips at the top, on demand supply the



books at door step at Blockwise School maintains proper accountancy. As per agreement petitioner is not engaged for printing but printing job has been done by other establishment has responsibility to supply book class wise received at Godown which is under the joint control and supervision, but counsel for the Corporation disputed, submitting that staff of Corporation is deputed for assistance but the agreement delineate godown would remain under the control and supervision would be governed as per stipulation in the agreement and would be received under the joint signature of both representatives of the petitioner as well as Corporation. If any deficiency is found there, responsibility is to be fixed in terms of the agreement.

In C.W.J.C. No. 360 of 2017 demand has been made of Rs. 5.20 crores. Learned counsel for the petitioner submits that it is nothing but reconciliation of the account as already books have been supplied which can be verified from challan as well as books stacked in the Godown has to be taken into consideration while making reconciliation. In C.W.J.C. No. 417 of 2017 claim has been made of Rs. 10,38,62,863.50. In both the cases issues are identical. As per claim of the petitioner both parties may sit together, reconcile the account, taking into



account voucher produced by petitioner and book lying in the Godown, after such exercise, if any outstanding dues is found against the petitioner, the same would be paid by the petitioner. If petitioner would feel dissatisfied he will be at liberty to take action in accordance with the law.

Till final decision both letter dated 22.12.2016 and 23.12.2016 are kept in abeyance.

With the aforesaid observation both writ petitions are disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	1.3.2017
Transmission Date	NA

