

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14849 of 2016

=====

Bihar Gramin Jagrukta Abhiyan Samiti, Begusarai being represented through Executive Director Kaushalendra Kumar son of Sri Jai Narain Prasad Singh resident of Village- Ratanpur Bishnupur, P.S.- Mufasil, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar represented through Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
2. Project Director, Bihar State AIDS Control Society, State Institution of Health and Family Welfare Building, Sheikhpura, Patna.
3. Additional Project Director, Bihar State AIDS Control Society, State Institution of Health and Family Welfare Building, Sheikhpura, Patna.
4. Joint Director, Finance, Government of Bihar, Patna.
5. Team Leader, Technical Support Unit, Patna.

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 14733 of 2016

=====

Paridhi Bharti Represented through Secretary-cum-Project Director, Pinki Kumari wife of Shambhu Kumar, resident of Amba Nagar, Ratanpur Bishnupur, P.S. Mufasil, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar represented through Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
2. Project Director, Bihar State AIDS Control Society, State Institution of Health and Family Welfare Building, Sheikhpura, Patna
3. Additional Project Director, Bihar State AIDS Control Society, State Institution of Health and Family Welfare Building, Sheikhpura, Patna
4. Joint Director, Finance, Government of Bihar, Patna
5. Team Leader, Technical Support Unit, Patna.

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 14867 of 2016

=====

Welfare India represented through Project Director / Secretary, Smt. Kalpana Mishra, Wife of Late Pradeep Kumar Jha, having registered office Paltan Tola, Near MANREGA Bhawan, Sirsha, Katihar, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar represented through Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
2. Project Director, Bihar State AIDS Control Society, State Institution of Health and Family Welfare Building, Sheikhpura, Patna.
3. Additional Project Director, Bihar State AIDS Control Society, State Institution



- of Health and Family Welfare Building, Sheikhpura, Patna
 4. Joint Director, Finance, Government of Bihar, Patna.
 5. Team Leader, Technical Support Unit, Patna.

.... Respondent/s

Appearance :-

(In CWJC No.14849 of 2016)

For the Petitioner/s : Mr. Avinash Kumar, Adv
 Mr. Ajit Kumar, Adv
 For the Respondent No. 1 : Mr. Niraj Kumar Sinha, AC to PAAG-2
 For the Respondent Nos. 2 & 3 : Mr. Upendra Kumar Singh, Adv
 For the Respondent State : Mr. AC to Mr. B.K. Yadav, SC-18
 (In CWJC No.14733 of 2016)

For the Petitioner/s : Mr. Avinash Kumar, Adv
 Mr. Ajit Kumar, Adv
 For the Respondent No. 1 : Mr. Niraj Kumar Sinha, AC to PAAG-2
 For the Respondent Nos. 2 & 3 : Mr. Upendra Kumar Singh, Adv
 For the Respondent State : Mr. AC to Mr. B.K. Yadav, SC-18

(In CWJC No.14867 of 2016)

For the Petitioner/s : Mr. Avinash Kumar, Adv
 Mr. Ajit Kumar, Adv
 For the Respondent No. 1 : Mr. Niraj Kumar Sinha, AC to PAAG-2
 For the Respondent Nos. 2 & 3 : Mr. Upendra Kumar Singh, Adv
 For the Respondent State : Mr. Sudhir Kumar Singh, AC to SC-27

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-03-2017

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

The present application has been filed for issuance
 of writ/writs, order/orders, direction/directions in the nature of
 certiorari for quashing the order as contained in memo no. 573 dated
 29.07.2016 issued under the signature of Additional Project Director,
 Bihar State Health Control Society, Patna whereby and whereunder
 the agreement signed with the petitioner's society for implementation
 of Targeted Interventions vide agreement no. 166 dated 1.4.2015 has



been withdrawn without appreciating the materials produced before the Evaluation Committee and in consequence thereof the evaluation committee be directed to reevaluate the materials submitted by the petitioner's society for the purpose of assessment of entire service rendered under the scheme for the purpose of making payment against the expenditure incurred by the Society and further be pleased to pass appropriate orders directing the authority to allow continuance of implementation programme of Targeted Interventions during the pendency of the instant case or be pleased to pass any order or orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case for doing complete justice in the matter.

This Court is not inclined to go into the merits of the case in view of the provision in the agreement with respect to the settlement of the dispute which is as follows:-

"15. Settlement of Disputes

15.1 All disputes arising out of the meaning of interpretation of any of the Clauses of this AGREEMENT or any other matter arising out of this AGREEMENT will be attempted to be sorted out in mutual consultation between the Project Director of the GRANTEE and the Joint Director of the GRANTOR within 15 days of the matter being referred to one party by the other in writing.

15.2 Should the parties be unable to settle disputes through mutual consultations as mentioned in Clause 15.1 or within a period of 15 days from the time the matter is



referred by one party to the other, the Grievance Redressal Cell(GRC) comprising a retired High Court Judge (as Chairperson), the Project Director of GRANTOR, the Finance Officer and/or the Joint Director (NGO Co-ordination) from the GRANTOR AND THE GRANTEE's representative elected to represent the GRANTEE in the Executive Committee of the GRANTOR shall discuss the matter in dispute with both the parties in the next monthly meeting of the GRC and take a decision on the same. The decision of the GRC will be binding on both parties.

15.3. Should either party have cause to disagree with the decision of the GRC, the matter in dispute shall be referred to a panel of 3 Arbitrators of which one Arbitrator shall be nominated by the GRANTEE, one by the GRANTOR and the third Arbitrator shall be chosen by the two Arbitrators and will act as the presiding arbitrator of the tribunal. The decision of the Arbitrators will be on the basis of a simple majority (i.e. at least 2 of the 3 Arbitrators should be in favour of any decision). The decision of the panel of Arbitrators shall be final and binding on both the parties. The Arbitration proceedings shall be conducted in accordance with the provisions of the Arbitration and Conciliation Act, 1996.

15.4 The place of arbitration shall be the city where GRANTOR is located.

15.5 All disputes arising between the parties shall be subjected to the jurisdiction of the Courts in the city where GRANTOR is located only and in no other courts."



In the counter affidavit, the respondents have disputed the claim of the petitioners and submitted that cause which has been claimed by the petitioner is not correct.

In view of the dispute question and provision of the settlement of the disputes, let all these cases be relegated to the Technical Review Committee (TRC) and the TRC will be obliged to examine the cases of the petitioners after giving due notice to the petitioners and will dispose of the same.

For convenience, the petitioners are directed to file their respective detailed representations along with a copy of this order before the TRC with all supporting materials and the TRC will be obliged to dispose of the matter after hearing the parties by passing necessary order in accordance with law within a period of two months from the date of filing of representations.

This order will not prejudice the case of the petitioners in any manner.

These applications are accordingly disposed of.

(Shivaji Pandey, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27/03/2017
Transmission Date	NA

