

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3296 of 2016

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Fanindra Kumar Singh Son of Sri Radheshwar Singh Resident of Villae R/o Village
+ P.O. - Kumna, P.S. - Kopa, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Higher Education, Human Resource development Department.
2. The University Grant Commissioner through its Chairman, New Delhi.
3. The Vice Chancellor, Jai Prakash University Chapra.
4. The Jai Prakash University Chapra, to its Registrar.
5. The Principal Nand Lal Singh College - Jaitpur, Daudpur Saran.
6. The Principal Secretary , Building Construction Department, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Adv.
For the J.P. University : Mr. Nagendra Kr. Singh, Adv.
For the State : Mr. Subodh Kumar, AC to SC-26
For the Resp. No.5 : Mr. Nirmal Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-07-2017

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

In this case, the petitioner is claiming for payment of Rs.
10,89,488/- as having claimed that he has carried out the construction of the
Girls Hostel for Nand Lal Singh College, Jaitpur, Daudpur, Saran under the
scheme of U.G.C.

The tender was published, the petitioner also participated in
the said tender, being the lowest tenderer, got the allotment of the work. A
claim has been made by the petitioner that he has carried out and completed
the construction work of the Girls Hostel, his first and second running bill
have been paid but, the third bill of Rs. 10,89,488/-, for which he is entitled,



has not been paid to him.

In this case, a counter affidavit has been filed wherein detail facts have been mentioned. It has been stated that the petitioner has been paid the first running bill amounting Rs. 16,52,056/- and has also been paid the second running bill amounting Rs. 7,50,000/-. When the third bill was submitted by the petitioner, it has been mentioned that the petitioner has hardly constructed 35% of the work of the Girls Hostel and, as such, he is not entitled for the same.

Learned counsel for the petitioner has filed rejoinder to the counter affidavit and disputed the statement. Learned counsel for the petitioner had earlier produced the original copy of the Measurement Book and, thereafter, he has attached the photocopy of the same in his rejoinder to the counter affidavit. It does not stand to the reason how the M.B. came into the possession of the Contractor when it is supposed that the same must remain in possess of the Engineer and, after completion of the work, he was to deposit the same in the Department but, instead of depositing the Measurement Book in the Department, he has handed over the same to the Contractor. It appears that there is something fishy.

The Principal Secretary, Higher Education Department, Government of Bihar will examine into the matter and take action accordingly.

Be that as it may, if the petitioner has constructed the Girls Hostel in terms of the agreement, in that circumstances, he is entitled for payment of the same but, if he has not completed construction work, if any



extra payment has been made to him, the same should be recovered.

Let the petitioner file an application before the Principal Secretary, Higher Education Department who will obtain a detailed information with respect to construction of the building and if it is found that the construction is completed, in such circumstances, it goes without saying that the petitioner will be paid the admitted amount but, if he has not completed the construction work, if any extra payment has been made, that should be recovered along with interest from the petitioner.

If the petitioner files an application along with a copy of this order before the Principal Secretary, Higher Education Department with details of the fact, he will dispose of the same within a period of six months from the date of filing of the application.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2017
Transmission Date	NA

