

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.657 of 2016

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Sarfaraz Ahmad son of Sri Afaq Ahmad, Proprietor India Tent House, Babunia Road, P.S. and District- Siwan, and Resident of Mohalla- Ismail Shahid Road (Chamra Mandi), S.K.G. Sugar Mill Road, P.S.- Siwan Town, District- Siwan.

.... Petitioner

Versus

1. The Secretary, Bihar School Examination Board, Bihar, Patna
2. The District Education Officer, Siwan.
3. The Block Development Officer, Siwan Town, Siwan.

.... Respondents

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Appearance :

For the Petitioner : Mr. Prakash Ch. Jha
Mr. Bijay Prakash Singh, Advocates.
For the BSEB : Mr. Satyabir Bharti, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-03-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondent-Board.

2. This matter has been taken up out of turn on the
request of learned counsel for the petitioner for payment of his
outstanding dues and the petitioner sought for following reliefs -

*"I. To issue a writ in the nature of Mandamus to direct
the respondents to facilitate the payment of dues of
petitioner's Rs. 2,63,000/- accrued from the work done
and supply of material for conducting Secondary
Examination, 2013 conducted by the Bihar School
Examination Board, Bihar, Patna (hereinafter referred to
as the "B.S.E.B. Patna") at the locality of Siwan Town
Police Station at different Centres of Examination.*



II. To direct the respondents to pay the entire aforesaid dues amount of petitioner with interest forthwith.

III. To direct the respondents to not harass the petitioner by not paying his dues over which he has got legal right due to supply of material and doing various required work done.

IV. To grant any other reliefs for which the petitioner is entitled to have in connection with the aforesaid grievance”.

4. Learned counsel for the petitioner submits that despite having done the work of supply of material for Secondary Examination, 2013 conducted by the Bihar School Examination Board, Bihar, Patna, the entire amount of dues of Rs. 2,63,000/- has yet to be paid to the petitioner and for which several representations have been filed including a legal notice dated 20.08.2015 (Annexure-6).

5. None appears on behalf of the State when the matter is called. Learned counsel for the respondent-Board is present.

6. Having regard to the nature of the grievances of the petitioner, this writ petition is disposed of, granting liberty to the petitioner to approach the District Education Officer, Siwan (Respondent No. 2) with a fresh representation for redressal of his grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's



representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 6% per annum on the admitted dues calculated from the date when the amount became due till the date of its actual payment. In case the petitioner’s claim is found inadmissible, whether in whole or in part, the petitioner’s representation shall be disposed of by a speaking order in that regard.

7. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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