

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12982 of 2013

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Mahila Evam Shishu Kalyan Parishad, a registered Non-Governmental Organization (N.G.O. for short) through its Secretary, M. Shamim, son of Late Ibne Hassan, Resident Of Village- Kathalia, P.S.- Singhwara, District- Darbhanga
..... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Education, New Secretariat, Vikas Bhawan, Bailey Road, Patna
2. State Project Director, Bihar Education Project Council, (Bihar Shiksha Pariyojana), Shiksha Bhawan, Saidpur, Patna
3. District Education Officer (Formerly designated as District Superintendent of Education) - cum District Programme Coordinator, Bihar Education Project, Madhubani
4. District Programme Officer, Sarva Shiksha Abhiyan, Madhubani
..... Respondents

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Appearance :

For the Petitioner : Mr. Kishore Kumar Thakur, Advocate
For the State : Mr. Brajesh Kumar, AC to AAG 4
For Respondent-BEPC : Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-08-2018

Heard learned counsel for the petitioner, learned counsel
for the State as well as learned counsel for the respondent-Bihar
Education Project Council.

2. The present writ petition has been filed for a direction to the respondents to release the balance amount of Rs. 2,10,877/- in favour of the petitioner N.G.O. so as to enable it to meet the expenditures incurred towards the operation and management of the Residential Training Centre/Utpreeran Kendra which was allotted to the



petitioner for Bisfi Block of the district of Madhubani.

3. At the very outset, learned counsel for the petitioner submits that it will suffice if a direction is given to the District Programme Officer, Sarva Shiksha Abhiyan, Madhubani (respondent no. 4) to consider and dispose of the petitioner's representations dated 27.02.2013 and 28.05.2013 (Annexures 7 and 8 respectively) in which event, the writ petition need not be pressed on merits.

4. Learned counsel for the respondents has no objection to the stand of the petitioner, but seeks to point out that the writ petition involves the disputed questions of fact and the petitioner ought to be relegated to alternative remedy.

5. Having regard to the stand of the parties, this Court is of the view that the ends of justice will be met if the District Programme Officer, Sarva Shiksha Abhiyan, Madhubani (respondent no. 4) is directed to consider and dispose of the petitioner's representations, if the same are still pending before him, after grant of opportunity of hearing to the petitioner in accordance with law expeditiously and preferably within a period of six weeks from the date of receipt/production of a copy of this judgment. It is expected that the petitioner shall cooperate in the matter and produce any document or details as may be required of it.

6. It is made clear that this Court is not considering the issue



with regard to non-maintainability of the writ petition as sought to be raised by the respondents at this stage.

7. The writ petition accordingly stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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