

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10806 of 2017

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Adarsh Mahila Shilp Kala Kendra, Samastipur through its President Rama Shankar Singh, Son of Ram Swarup Singh, Resident at Sahu Road, Kalyani, Pratah Kamal, Kedar Nath Road, P.S. Town, District - Muzaffarpur.

.... Petitioner

Versus

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

.... Respondents

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Appearance :

For the Petitioner : Mr. Abhay Kumar, Advocate

For the Respondents : Mr. Mujtabul Haque-GP12

For Aids Control Society: Mr. K.K. Sinha,

Mr. Shashi Shekhar, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-03-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for quashing the order as contained in Memo No. 571 dated 29.07.2016 (Annexure-5) issued under the signature of the Additional Project Director, Bihar Aids Control Society, Patna (Respondent no. 3) whereby and whereunder the agreement signed with the petitioner-Society for implementation of Targeted Interventions vide Agreement No. 176 dated 01.04.2015 has been withdrawn without appreciating the materials produced before the Evaluation Committee and in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-Society for the purpose of assessment of entire service rendered under the Scheme for the purpose of making payment; and for connected reliefs.

3. Learned counsel for the petitioner submits that other similarly situated NGO had approached this Court in CWJC No. 14849 of 2016 (*Bihar Gramin Jagrukta Abhiyan Samiti Vs. The State of Bihar &Ors.*) and analogous cases which were disposed of by judgment dated 17.03.2017 in the following terms –

“In view of the disputed 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.”

4. Learned counsel for the respondents has no objection if the present writ petition is disposed of in similar terms as sought by



the petitioner.

5. Having regard to the stand of the parties, the present writ petition stands disposed of in line and on the same terms as the judgment dated 17.03.2017 passed in CWJC No. 14849 of 2016 (*Bihar Gramin Jagrukta Abhiyan Samiti Vs. The State of Bihar &Ors.*) and analogous cases.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.03.2018
Transmission Date	N.A.

