

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2359 of 2018

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Shaik Meera Sharief, Son of Sri Shaik Peer Mohammad @ Peer Mohammad,
Resident of Door NO. 4-6-34, Kotha Peta, P.S.- Kovvuru, District- West
Godavari (Andhra Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, Patna.
2. The Secretary, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, Patna.
3. The Director, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No 13 Mr. Rohit Kumar
For the Respondent/s	:	Mr. G.P. Ojha, GA-7 Mr. Gopal Krishna, AC to GA-7

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-07-2018 This application has been filed seeking direction to the respondent State of Bihar to refund the security deposit of Rs. 5,00,000/-(five lakhs) with bank rate of interest, which amount was deposited by the Principal of Godavari Institute of Engineering and Technology, Rajahmundry, Andhra Pradesh, after having been selected for empanelment with the Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar. It transpires that for implementation of post Matric Scholarship as per norms of 'Ministry of Social justice & Empowerment' and 'Ministry of Tribal Affairs', Government of India, for empowering SC/ST community through technical and



professional knowledge with relevant qualifications, Expression of Interest for empanelment of private institutions running technical, vocational and professional courses and institutions were invited for empanelment. The college had applied for empanelment and was empaneled. One of the eligibility criteria for being empanelled was that the college must be able to submit a demand draft of Rs. 5,00,000/- along with expression of interest in favour of the Director, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar as guarantee/security deposit for four years, out of which counselling charges would be liable to be deducted. In order to satisfy the said criteria, the college had deposited the said amount of Rs. 5,00,000/-, of which the petitioner is seeking refund. The petitioner claims that he is working as Assistant Director, Admission Wing of the College, is duly authorized to file the present case.

Learned counsel appearing, on behalf of the State of Bihar, has rightly pointed out that this writ application is premature, in view of clear stipulation in Sub-Clause (c) of Clause 1 of the Expression of Interest, which is at Annexure-1 to the writ application, which required the college to submit demand draft of the said amount of Rs. 5,00,000/- as



guarantee/security deposit for four years. The said amount was deposited in the year 2015. According to him, the petitioner can claim refund only after four years.

Learned counsel appearing on behalf of the petitioner, in response, has submitted that this Court may issue direction to the respondent to release the said amount of Rs. 5,00,000/-, after completion of four years.

In the Court's view, there is no occasion for the Court at present to issue such direction.

It will be open to the petitioner to demand refund of the said amount after completion of four years. It is, however, observed that once a demand for refund of the amount is made, the State shall take necessary steps for refund of the amount in accordance with the terms of Expression of Interest and in the absence of any provision for withholding the amount, must refund the amount thereafter.

This application stands disposed of with the above observations.

(Chakradhari Sharan Singh, J)

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