

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.194 of 2019

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Sanjeev Kumar @ Sanjiv Kumar S/o Devi Sharan Sharma Rjo 2jM 69, North
of T.V. Tower, Mahatma Gandhi Nagar, P.S. Agam Kuan, District- Patna.

... .. Petitioner/s

Versus

1. The Union Of India through the Home Secretary, New Delhi
2. The Secretary Ministry of Skill Development and Entrepreneurship Govt. of India
3. Director General of Training, Skill Development and Entrepreneurship Govt. of India.
4. The State of Bihar through the Principal Secretary, Department, of Labour, Niyojan Bhawan, P.S. Kotwali, Dist. Patna
5. The Director Employment and Training,. Govt. of Bihar, Niyojan Bhawan, P.S.- Kotwali, Dist.- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar, Advocate Mr. Neeraj Kumar, Advocate
For the State	:	Mr.Shailendra Kumar, AC to PAAG-2
For Union of India	:	Mr. Satyavart Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-12-2019 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

The issue involved in the present writ petition is whether the petitioner is authorized person to agitate the grievance of non-payment of the bill raised by the Organization or not and whether the petitioner's Organization has furnished the requisite information for deciding the claim.

From the tenor of the counter affidavit it appears that there is no denial of the fact that the act of the Organization is



not gratuitous and as such for providing training the Organization is entitled to payment of bill. For ready reference paras- 9 to 13 of the counter affidavit filed on behalf of the respondent Nos. 4 and 5 is quoted below:-

“9. That the bill in question along with others’ bills has been considered by the duly constituted Bihar Vocational Training State Society, Patna and in its meeting dated 18.06.2014 information was sought from the concerned institutions including the petitioner’s institution supported by affidavit as to whether aforesaid fee as taken from the candidates by the Institution has been returned to the candidates or not such information should have been submitted along with list of candidates. Accordingly the concerned persons/organizations including the petitioner’s organizations were duly informed through letter no. 955, dated 07.07.2014 as well as reminders vide letter no. 1818, dated 24.10.2014 and letter no. 2262, dated 27.11.2015 under registered posts. But the petitioner neither submitted any list of trainees nor utilization certificate as such the required the query of the Committee has not been fulfilled to the satisfaction of said Society.

10. That under the aforesaid circumstances the duly constituted Society has considered the bill in question in its meeting dated 24.06.2016 and a decision has been taken to reject the claim of



payment in question as the petitioner's organization has failed to furnish wanted information with respect to the bill in question within time frame and communicated the same to the Director/Principal, Mata Bimla Industrial Training Institute, Nalanda, vide letter no. 2460, dated 03.08.2016 itself and subsequently vide letter no. 1275, dated 08.06.2018 also.

11. That it is humbly submitted that the petitioner has never challenged the said rejection order dated 03.08.2016 till date and same is still operative. The petitioner has filed the instant writ application without disclosing aforesaid facts in his pleading that the claim of the petitioner has already been rejected by the competent authority.

12. That the answering respondents instead of furnishing detail para wise reply and have placed certain relevant facts only for better adjudication and disposal of case and reserves their right to furnish parawise reply, if required/directed during the pendency of the case.

13. That in view of the aforesaid facts and circumstances no relief is admissible to the writ petitioner and the instant writ application is fit to be dismissed being devoid of merit in the interest of justice.”

In view of the above, the writ petition is disposed of with liberty to the petitioner to establish that he has been authorized by the Organization for raising bill and also



furnishing the requisite details and on verification of the same, the concerned authorities shall ensure payment of the bill in accordance with law at the earliest. The earlier decision of rejection in the absence of details furnished by the petitioner's Organization shall not come in the way of taking fresh decision and payment thereof.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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