

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15609 of 2013

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Bhawani Enterprises, G.T. Road, At P.O. & District - Aurangabad (Bihar)
Through Its Proprietor , Satya Prakash Narayan Son Of Sri Badri Narayan
Resident Of Holding No. 158, Ward No. 13, Old G.T. Road, District Central
Library, P.O., P.S. & District - Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar , Through The Principal Secretary, Human Resources Development Dept., Bihar, Patna
2. The District Magistrate Cum Chairman, District Literacy Committee, Aurangabad
3. The District Education Officer Cum Secretary, District Literacy Committee, Aurangabad
4. The District Programme Officer, Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prativa Kumari
For the Respondent/s : Mr.Rajiv Roy

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-01-2019 There is a dispute to the extent that as against the claim of the petitioner that he had supplied 3,28,500 printed forms, in reality only 2,66,000 printed forms were supplied. During pendency of the writ application the respondents have paid the admitted amount of Rs. 53,365/- after deducting VAT at the rate of 4 %.

Learned counsel for the petitioner submits that earlier when the petitioner had sought information under the R.T.I. Act, Annexure-5 is the reply which was issued to the petitioner stating therein that he was not paid so far because the Directorate had not made available the required funds. Based on



Annexure-5 it is his submission that if there was a shortage in the supply of printed forms by the petitioner this should have been disclosed to the petitioner at the earliest. It is submitted that no letter or explanation was ever issued/called for alleging any lesser supply by the petitioner.

On the other hand learned counsel representing the State submits that the petitioner is unable to show prima facie from the records of the writ application that he had supplied 3,28,500 printed forms. Learned counsel submits that in absence of any prima facie proof to that effect, it would not be expected from a writ court to go into such issue.

In the given facts and circumstance of this case where this Court finds that admitted amount has already been paid to the petitioner during the pendency of this writ application, this writ application is being disposed off with liberty to the petitioner to raise his claim against the outstanding dues with the competent authority. Along with his claim he can make available all supporting documents to show that he had actually supplied 3,28,500 printed forms. If such application/claim together with the supporting documents are filed by the petitioner before the District Magistrate-cum-Chairman, District Literacy Committee, Aurangabad (respondent no. 2) within a



period of 30 days from today, the same shall be considered by respondent no. 2 and in case he is satisfied with the proof made available by the petitioner, the remaining amount shall also be paid to the petitioner within a period of further 30 days. However, if the respondent no. 2 is not satisfied with the nature of proof submitted by the petitioner, he shall pass a reasoned order denying the claim of the petitioner, in such circumstance the petitioner will have liberty to approach competent civil court for adjudication of the issue.

(Rajeev Ranjan Prasad, J)

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