

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8662 of 2019

Sudhir Kumar Choudhary S/o Baidhya Nath choudhary Resident of Mohanpur Devasthan, P.S.- Shastri Nagar, Punaichak, District- Patna, Proprietor of M/s Choudhary Printing Press, near Mohanpur Devasthan, Punaichak, Patna.

... .. Petitioner/s

Versus

1. The Vice Chancellor, T. M. Bhagalpur University Bhagalpur.
2. The Registrar T. M. Bhagalpur University, Bhagalpur.
3. The Examination Controller T. M. Bhagalpur University, Bhagalpur.
4. The Finance Officer T. M. Bhagalpur University, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-07-2019 Heard learned counsel for the petitioner and University.

Petitioner, in the present case, is seeking a writ of mandamus directing the respondent University to make payment of Rs.15,04,500/- against the material i.e. coloured degree certificates said to have been supplied by the petitioner to the University. By filing I.A. No.1 of 2019, the petitioner has submitted that he had earlier deposited a sum of Rs.3,00,000/- as security deposit which is also liable to be refunded to the petitioner, therefore, the reliefs prayed in paragraph 1 of the writ application be read with a prayer to direct the University to refund security deposit of Rs.3,00,000/- to the petitioner. On all these claims petitioner is also claiming interest.



Learned counsel for the petitioner submits that pursuant to the agreement dated 22nd November, 2017 followed by work order dated 07.12.2017, as contained in Annexure-3 to the writ application, the petitioner supplied the multi-coloured degree certificates which was received in the office of the Controller of Examination, Tilka Manjhi Bhagalpur University, Bhagalpur. The endorsement made on the challan dated 30.06.2018 (Annexure-5) has been shown to this Court in order to satisfy that a total of 15,000 pieces of colour degree certificates were printed and made available to the Controller of Examination. It is submitted that the petitioner had submitted his bills/tax invoice dated 04.07.2018 to the Registrar of the University a copy of which is Annexure-6 to the writ application, but the bill has not been paid to the petitioner as a result whereof the petitioner is facing financial constraints.

Learned counsel for the petitioner has also shown to this Court that he had submitted a request/representation dated 19.02.2019 to the Vice-Chancellor of the University requesting him to take appropriate steps to ensure payment due to the petitioner but that has also not yielded any result.

Learned counsel for the University submits that in the given facts and circumstances of the case, at this stage, it would only be just and proper that the decision with regard to the bill of the petitioner be left for consideration by the University



authorities.

In the given facts and circumstances of this case, this Court directs the Vice-Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur (respondent no.1) to look into the grievance of the petitioner as contained in Annexure-7 to the writ application and in case it is found that the petitioner is entitled for the payment of bill claimed by him, the same should be made available to the petitioner within a period of two months from the date of receipt/production of a copy of this order. In case the bills submitted by the petitioner or any part thereof is not payable, the reasons thereof must be provided to the petitioner within the same period and thereafter petitioner will be in a position to pursue his remedy in accordance with the terms and conditions of the agreement and in accordance with law. If the admitted amount is not paid within the aforesaid period, the same shall carry an interest @ 6 % per annum from the date the amount became due to the petitioner.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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