

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.571 of 2012

1. Suresh Prasad Singh S/O Sri Saryug Singh Resident Of Village- Karyanand Nagar, Lakhisarai, Police Station And District- Lakhisarai.
2. Kamal Nayan Singh @ Kamal Nayan Singh S/O Sri Ram Naresh Singh Resident Of Village- Dhiradar, Police Station- Barahiya, District- Lakhisarai.
3. Mukesh Kumar S/O Sri Ram Chandra Singh Resident Of Village- Kumar, Police Station- Sikandra, District- Jamui.
4. Sidheshwar Prasad S/O Sri Prasadi Mahto Resident Of Village- Simariya Nikrampur, Police Station And District- Jamui.
5. Shiv Kumar S/O Late Sukhdeo Singh Resident Of Village- Dakra, Police Station And District- Lakhisarai.

... .. Petitioners

Versus

1. The Bihar Education Project Council through its Director Bihar Education Project Council, Beltron Bhawan, Shastrinagar, Patna-1
2. The Director, Bihar Education Project Council, Beltron Bhawan, Shastrinagar, Patna-1
3. The District Magistrate Cum-Chairman, Bihar Education Project, Lakhisarai, District- Lakhisarai.
4. The District Programme Officer, Bihar Education Project, Lakhisarai, District- Lakhisarai.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Siya Ram Shahi
For the State	:	Mr. Mujtabaul Haque, GP 12
		Mr. Manish Kumar, AC to GP 12
For Education Project Council	:	Mr. Girish Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 21-10-2019 Mr. Shahi, learned Counsel for the petitioners, submits that having discharged their duties as Technical Supervisor in the Educational Project the petitioners have not been paid due honorarium for the works discharged by them. The payments made are highly insufficient less than entitlement



of the petitioners. Payments have been made pursuant to orders passed on the petitioners' earlier writ petition vide CWJC No. 14387 of 2010. Mr. Shahi submits that that the rejection are not factually correct as the claim of the petitioners can easily be ascertained having regard to the works performed by them, measurement book and the records available in the office of the respondents.

This Court would consider the fact that dues found admissible have been paid to the petitioners. As per order dated 30.7.2011 issued by the District Magistrate -cum- Collector Lakhisarai. The inadequacy of the payment asserted by the petitioners has to be considered having regard to various factors including actual measurement and records in respect of the works performed by the petitioners in the project.

The disputed issue of entitlement and admissibility based on actual work performed and whether the petitioners had submitted utilisation certificate; and actual entries of works were entered in the measurement book are issues which raise serious disputed questions of fact which cannot be gone into in the instant proceedings. The admitted dues having been paid, the petitioners would be at liberty to approach the court of competent jurisdiction in respect of the disputed facts arising in



course of the proceedings on the basis of order dated 30.7.2011
passed by the District Magistrate -cum- Collector.

The writ petition therefore is disposed of with liberty
to the petitioners to avail their remedies before the authorities or
the court of competent jurisdiction.

(Madhuresh Prasad, J)

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