

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4101 of 2021

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Sushil Prasad Son of Late Ganpat Prasad Resident of Mohalla Marufganj,
Batraha Road, Saharsa, Ward No.22, P.S.- Saharsa Sadar, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department,
Government of Bihar, Patna
2. The Secretary, Rural Works Department, Government of Bihar, Patna
3. The Engineer-in-Chief Rural Works Department, Government of Bihar,
Patna
4. The Chief Engineer, Rural Works Department, Government of Bihar, Patna
5. The Superintending Engineer, Rural Works Department, Works Division,
Saharsa
6. The Executive Engineer, Rural Works Department, Works Division, Saharsa
7. Empowered Standing Committee, headed by Secretary, Rural Works
Department, Government of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar Jha, Advocate Mr. Subodh Kumar Jha, Advocate
For the Respondent/s	:	Mr. Ajay, G.A.-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

1. That this writ application is being filed for issuance of
an appropriate writ/writs, order/orders, direction/
directions, preferably in the nature of certiorari for



quashing the order dated 18.5.2020 as contained in Annexure-8 to this petition, issued under the signature of Empowered Standing Committee consisting of three members headed by Secretary, Rural Works Department, Government of Bihar, Patna by which representation filed by the petitioner against the cancellation of agreement bearing Memo No.718 dated 3.4.2019 issued by the Respondent No.6, the Executive Engineer, Rural Works Department, Works Division, Saharsa has been rejected without considering the entire facts and circumstances of the case, more particularly the facts that the petitioner had already been completed most of the work allotted to him under the Pradhan Mantri Gramin Sadak Yojna in three Package and also for quashing of the order dated 3.4.2019 as contained in Annexure-5 passed by the Respondent No.6 for which the agreement dated 7.7.2015 has been cancelled and Security amount against the said work has been forfeited without any notice to the petitioner and further issue a writ in the nature of Mandamus for directing and commanding the Respondents to pay the outstanding dues considering the aforesaid work done by the petitioner in Package No.BR-29R-185 from Sattar to Koyla, Package No.189 from Dumra to Dholman Tola and Package No.190 from Inayatpur to Mahammodpur as the said work was allotted to the petitioner vide letter No.872 dated 7.7.2015 issued under the signature of Respondent No.6 and further for any other appropriate relief or reliefs for which the petitioner is entitled from the facts and circumstances of this case.

After the matter was heard for some time, Shri Pranav Kumar Jha, learned counsel appearing for the petitioner,



fairly states that petitioner be permitted to take recourse to alternative remedies which are equally efficacious.

Liberty, as prayed for, granted.

The petition stands disposed of in the following terms:-

(a) Petitioner shall take recourse to alternative remedies which are equally efficacious, within a period of four weeks from today;

(b) We request the appropriate authority/Tribunal to consider and decide the petitioner's application expeditiously and preferably within a period of six months from the date of presentation of a copy of this order before the authority concerned;

(c) The authority concerned shall consider and dispose of the petitioner's applications expeditiously by a reasoned and speaking order;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) We have not expressed any opinion on merits.

All issues are left open;

The petition stands disposed of in the aforesaid



terms.

Interlocutory Application(s), if any, stands
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	21.12.2021
Transmission Date	

