

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5450 of 2021

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Sunita Devi, Wife of Manoj Kumar, Resident of Village - Ward No. 10, Vill-
Laxmipur, P.O.- Murlichandwa, P.S. Udakishunganj, Dist. - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Education Department, Government of Bihar, Patna.
2. The Managing Director, Bihar State Educational Infrastructure Development Co-corporation (BSEIDC) Limited, Patna.
3. The Chief Engineer, Bihar State Educational Infrastructure Development Co-operation (BSEIDC) Limited, Patna having his Office Shiksha Bhawan, Bihar Rashtra Bhasa Prisar Campus, Acharya Shiv Pujan Sahay Path, Saidpur, Patna - 800004.
4. The Senior Accountant Officer, BSEIDC, Patna.
5. The Executive Engineer (BSEIDC, Patna) having his Office Adharbhoot Sanrachna Nigam Limited Shiksha Bhawan, Saharsa.
6. The Assistant Engineer, (BSEIDC, Patna), having his Office Adharbhoot Sanrachna Nigam Limited Shiksha Bhawan, Saharsa.
7. The Junior Engineer, (BSEIDC, Patna), having his Office Adharbhoot Sanrachna Nigam Limited Shiksha Bhawan, Saharsa.
8. The Assistant Engineer, Electricity Department, Madhepura.
9. The S.H.O., Mithahi OP, Dist. - Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Respondent/s : Mr. Bishwa Bibhuti Kumar Singh, Advocate
Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-12-2021



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

- i) For issuance of writ/writs relief/reliefs , order/orders, direction/directions, In the nature of certiorari for quashing the impugned Letter- No. BSEIDC/TECH/135/2019/1836 dated

05.03.2020 (vide Annexure-8) issued by the Chief Engineer, Bihar State Educational Infrastructure Development Corporation Limited, Patna whereby and whereunder rescind the Contract Agreement dated 09.04.2015 , and for fitting (seized) the performance Security Amount Construction of Upgraded Senior Secondary School on Panchayat Level in Bihar Group No. USSS-154(M.S. at Bhelva & M.S. at Gadhiya in the District of Madhepura), the agreement was executed on 09.04.2015 in the name of Petitioner through agreement No. 16 SBD of 2015-16 for construction of Upgraded Senior Secondary Schools M.S. at Bhelva & M.S. at Gadhiya under Gram Panchayat Simraha and Balam Gadhiya under Block Madhepura , Dist- Madhepura, in which the aforesaid Contract Agreement dated 09.04.2015 has been rescinded with effect from the date of



Order i.e. 05.03.2020 after Exercise the power of SBD Kandika 3 (iii)(iv)(v) and 14(iii) and 14x(b).

- ii) For further prayed for stay the order impugned vide Letter No. BSEIDC/TECH/135/2019/1836 dated 05.03.2020 (Vide Annexure-8)issued by the Chief Engineer BSEIDC, Limited Patna during the pendency of the writ application.
- iii) For further prayed that during the pendency of the writ application may kindly direction has been given to the Respondent No. 3 the Chief Engineer BSEIDC , Limited Patna, Not to issue any other fresh Tender of the said Scheme till the final disposal of the writ Application because the petitioner has already completed 85% building construction work.
- iv) For further any other relief/reliefs order/ orders, direction/directions may deem fit and proper in the fact and circumstances of this Case.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing afresh for redressal of the grievance(s).

Learned counsel for the respondents states that if such



a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four weeks from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned i.e. Respondent No. 2, namely, The Managing Director, Bihar State Educational Infrastructure Development Co-corporation (BSEIDC) Limited, Patna by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four weeks from the date of its filing along with a copy of this order;

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

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available



in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits of the matter. 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)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	23.12.2021
Transmission Date	

