

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.517 of 2021

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Kunal Kishor Mishra, Son of Raghaw Kumar Mishra, Resident of - Ward No. 3, Village-Dumra, P.S.-Kotwa, Machhar Ganwan, Dariapur, East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Work Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Rural Work Department, Government of Bihar, Patna.
3. The Chief Engineer-3, Rural Work Department, Government of Bihar, Patna.
4. The Superintending Engineer, Rural Work Department, Work Circle, Sitamarhi.
5. The Executive Engineer, Rural Work Department, Work Division Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar, Advocate
		Mr. Yogesh Kumar, Advocate
For the Respondent/s	:	Mr.Pratik Kumar Sinha, A.C. to G.A.-5

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 22-12-2021 It is stated by Mr. Pratik Kumar Sinha, learned A.C. to G.A.5 that in compliance of this Court's order dated 24.11.2021, a counter affidavit has been filed. The said counter affidavit is not there on record. He has placed before us a copy of the counter affidavit, which has been taken on record.

Following was the observation made by this Court in the order dated 24.11.2021:

“.....Let a counter affidavit be filed



within four weeks from today. In view of the nature of relief which the petitioner is seeking, the Superintending Engineer, Rural Works Department, Works Circle, Sitamarhi (Respondent No.4) shall be at liberty to consider whether the petitioner can be allowed time to complete the balance work at the old rates, subject to furnishing such security by the petitioner as may be decided by the Competent Authority.....”

In the counter affidavit it has been stated that the petitioner failed to complete the work allotted to him despite repeated reminders and directions issued by the concerned Executive Engineer.

It has, however, been submitted by Mr. Sinha, on the basis of oral instructions which he has received from the authorities, that if the petitioner represents the Principal Secretary of the Rural Works Department with a request to complete the balance work in question, his request shall be considered leniently.

In such view of the matter, this application stands disposed of with a liberty to the petitioner to make a representation before the Principal Secretary, Rural Works Department, Government of Bihar within two weeks from today. If he makes such representation, the Court expects that



the Principal Secretary shall take a decision within two weeks thereafter.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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