

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9300 of 2019**

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Ambady Gopal Krishna Menon Son of A.G. Menon, Architect, Urban Planning and Conversation Consultants, having its registered Office at N-125B, Panchshilla Park, P.S. Hauz Khas, New Delhi-110016, through its authorized representative namely Ajay Kumar, Gender Male, aged about 43 years, son of Jamuna Prasad Das, at present resident of Flat No.K-1605, Ajmara Daffodils, Section-137, Police Station-Sector-Surajpur, Dist.-Noida, Uttar Pradesh, permanent resident of 146 S.F.M-2K Aura, Mayfield Gardens, Section-47, P.S. Gurgaon, Dist.-Gurgaon, State-Haryana

... .. Petitioner/s

Versus

1. The National Institute of Technology Patna, Bihar through the Registrar, National Institute of Technology, Patna, Bihar.
2. The Registrar, National Institute of Technology, Patna, Bihar.
3. The Director, National Institute of Technology, Patna, Bihar.
4. The Deputy Registrar, National Institute of Technology, Patna, Bihar.
5. The Union of India through the Secretary, Ministry of Human Resources Development, New Delhi
6. The Executive Engineer, National Institute of Technology, Patna, Bihar.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Rajeev Shekhar, Advocate |
| For the Respondent/s | : | Mr. Y.V. Giri, Sr. Advocate  |
| For U.O.I.           | : | Mrs. Kanak Verma, CGC        |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 11-10-2022**

Petitioner has prayed for following relief(s) : -

“i) To issue a Writ in the nature of Certiorari for quashing the order dated nil passed under the signature of the Registrar, National Institute of Technology, Patna whereby the representation of the petitioner has been rejected and also quashing the decision by which the contract with the petitioner has been terminated with immediate



effect including show cause notice dated 18.08.2015 as same is cosmetic and empty formality on the ground the decision has already been taken and consequent upon quashing of the same, issuance of writ in the nature of Mandamus commanding the respondents to pay the outstanding dues amounting to Rs.2,59,81,816/- along with interest to the petitioner without further delay.

ii) To any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of the case.”

Having heard learned counsel for the parties, we are of the considered view that the present petition only merits rejection for disputed questions of fact, as is evident from the impugned order (Annexure-20, page-138) cannot be allowed to be agitated in a writ petition. Also, the dispute primarily is with regard to the monetary claims arising out of a construction contract entered into between the petitioner and the respondent N.I.T, Patna. The contract envisages a dispute redressal mechanism which the petitioner ought to have taken recourse to. That apart, the remedy under common law is also available to the petitioner.

Indulgently, this Court, vide order dated 29<sup>th</sup> of June, 2018, passed in C.W.J.C. No. 11930 of 2018, titled as Ambady Gopal Krishna Menon Vs. The National Institute of Technology, Pat & Ors., directed the petitioner to approach the



Director of N.I.T. Patna, who was to address the grievances of the petitioner. We notice that vide impugned order the grievances stand examined and no dues are found to be due and payable by the respondent to the petitioner.

As such, the petition is disposed of, reserving liberty to the petitioner to take recourse to such remedies as are otherwise available in accordance with law.

The issue of limitation is left open to be considered in an appropriate proceedings.

Needless to add, the period for which the petitioner has been pursuing the remedies before this Court shall be accounted while computing the period of limitation.

Interlocutory Application(s), if any, shall stand disposed of.

**(Sanjay Karol, CJ)**

**( Partha Sarthy, J)**

K.C.Jha/chn

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