

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14299 of 2021

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Devendra Prasad, Son of Prameshwar Prasad Resident of Village- Durgapatti,
P.S.- Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Bihar, Rural Work Department, Government of Bihar.
3. The Director (Secondary Education), Education Department, Govt. of Bihar.
4. The Executive Engineer, Rural Works Department, Work Division-2,
Benipatti Sivr Rahika, District- Madhubani.
5. The District Education Officer, Madhubani.
6. The District Programme Officer (Scheme and Account), Madhubani.
7. The Junior Enginner, Rural Work Department, Work Division, Benipatti- 2,
Madhubani, Rahika- Sivr.
8. The Headmaster, High School Sonai, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad, Advocate
For the Respondent/s : Mr.Kumar Alok (Sc7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 17-01-2022

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

- i) That this is an application for
issuance of writ in the nature



of Mandamus directing and commanding the respondents authorities to make payment of the amount Rs. 3,71,919/- claimed by the petitioner in pursuant to work having been completed in term of tender vide agreement No. 02/2/2011-2012 awarded in favour of the petitioner with statutory interest @ 18%.

For issuance of a writ in the nature of the mandamus commanding the respondents to pay the admitted dues amount of work done Rs. 3,71,919/-

alongwith interest @ 18%, moreover the petitioner has completed the work in question by arranging the fund from the Bank and market on commercial interest (compounding) @ 16%, hence the petitioner may justifiably required to be paid the above dues with interest as payed, and after so many request



of the petitioner, The Payment has not been done and the completion certificate was issued the respondents have been sitting idle over the file and not trying to get allotment for

the payment of dues amount against the work done by the petitioner. However the respondents may not escape from the payment to the petitioner with interest for such delay payment after completion of the work.

- ii) For directing the respondents to pay the dues amount with interest within a fortnight from the date of order of the Hon'ble Court taking into consideration that they are withholding the allotment of Rs. 3,71,919/- with interest, such a huge amount



stand dues. Since the respondents have deliberately not paid the admitted dues, as such they are liable to pay the amount with interest as prayed with minimum 18% interest, which may be just and equitable in the particular facts and circumstances of the case for ends of justice.

iii) For directing the respondents/ state authorities to take cognizance seriously for the payment to the petitioner for which petitioner is entitled under the agreement.

iv) For granting any others relief/ reliefs for which the petitioner may be found entitled in the eye of law.

After the matter was heard for some time, learned counsel for the petitioner finding the court not to be in favour of the submissions made across the bar, seeks permission to withdraw the present petition reserving liberty to approach



the authority concerned i.e. respondent no. 7 namely The Junior Engineer, Rural Works Department, Work Division, Benipatti-2, Madhubani, Rahika-Sivir, for highlighting the grievance in accordance with law.

Learned counsel for the State, states that if any such request is made, the same shall be dealt with expeditiously in accordance with law.

Statement is accepted and taken on record.

In view of the same, the present petition stands disposed of reserving liberty to the petitioner to approach the Respondent no. 7 namely The Junior Engineer, Rural Works Department, Work Division, Benipatti-2, Madhubani, Rahika-Sivir, for redressal of his grievances in accordance with law.

As and when any such request is received from the petitioner, the same shall be dealt with in accordance with law with reasonable dispatch and not later than three months thereafter.

It is made clear that the concerned authority to take independent decision with regard to admissibility of the petitioner's claim.

We have not expressed any opinion on merits and all issues are left open.



Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.01.2022
Transmission Date	

