

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10325 of 2022

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Om Sai Foundation Registered under Society Registration Act, 1860 and under section 12 A of Income tax Act, 1961, having its Head Office at 99 F, S.K. Puri, Rajesh Path, Boring Road, Patna, Bihar- 800001 and its Project Office at New Police Line, Bairiya Chawk, P.O.- MIT Muzaffarpur, P.S.- Ahiyapur, Muzaffarpur, through its Secretary Ajay Kumar, aged about 53 years, S/o Late Bhubneshwar Prasad Mahto, Resident of Village- Jadu Paran, P.O.- Jagdish Paran, P.S.- Chak Mehshi via Kalyanpur, District- Samastipur- 848302.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Secretariat, Patna- 800015.
2. The Chief Secretary, Government of Bihar, Secretariat, Patna- 800015.
3. The Principal Secretary/ Secretary, Social Welfare Department, Government of Bihar, Patna Cum Chairman, Executive Committee, State Society for Ultra Poor and Social Welfare (in short- SSUPSW) SAKSHAM, Patna.
4. The Additional Secretary, Social Welfare Department, Government of Bihar, Patna.
5. The District Magistrate, Muzaffarpur.
6. State Society for Ultra Poor and Social Welfare (in short- SSUPSW) SAKSHAM, Patna, through its Chief Executive Officer, SSUPSW, 2nd Floor, Apana Ghar, Behind Lalit Bhawan, Baily Road, Patna- 800023.
7. The Chief Executive Officer- Cum- Director, State Society for Ultra Poor and Social Welfare (in short- SSUPSW) SAKSHAM, 2nd Floor, Apana Ghar, Behind Lalit Bhawan, Baily Road, Patna- 800023.
8. The Senior Administrative Officer, SSUPSW, SAKSHAM, 2nd Floor, Apana Ghar, Behind Lalit Bhawan, Baily Road, Patna- 800023.
9. The Assistant Director, District Social Security Unit- Cum Assistant Director, Child Protection Unit, Muzaffarpur.
10. The District Manager, District Program Management Unit, Assistant Director, District Social Security, SAKSHAM, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chiranjiva Ranjan, Adv
For the Respondent/s : Mr.Prasant Pratap (GP 2)

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

Date : 10-08-2022

Heard learned counsel for the parties.

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

“1. That through the present writ application, the petitioner prays for the following reliefs to issue an appropriate writ(s), order(s), direction(s) in the nature of writ of Mandamus directing the Respondents: -

i) to pay the admitted dues of Rs 18,06,640/- as per order dated 9.10.2018 passed by the Respondent No. 3 (as contained in Annexure- P /12) for the period under agreement till extended for the due period 29.12.2017 to 24.8.2018 to the Petitioner(As contained in Annexure- P / 16) under the Mukhyamantri Bhikshatan Nivaran Yogen (MBNY) at Muzzaffarpur for Male Short Stay Home-Cum-Classification Centre (as contained in Annexure-P / 1-3) till the extended period of contract dated 24.08.2018 along with reasonable interest thereon as there was no fault on the part of the petitioner;

ii) to pay the amount of as mentioned in the Representation dated 23.6.2022 from the period under sealed of Rs.34,42,421/- from 28.8.2018 to 31.5.2022(As contained in Annexure-P / 16.) and further till the amount is paid along with the interest;

iii) to direct the Respondent No.3 to unseal the premises of the Mukhyamantri Bhikshatan Nivaran Yogen (MBNY) at Muzzaffarpur for Male Short Stay Home-Cum-Classification Centre and be further extend the contract made in the year 2015 as such Closure Report after investigation made by C.B.I has been submitted before the Special Judge, CBI, Muzafferpur on 28.11.2019 in Ahiyapur P.S. Case No. 597 / 2018 – R.C case No. 9(5) of 2019 as contained in Annexure-P / 13;

iv) to direct the Respondent No. 2 or 3 to consider / decide the representations dated 5.1.2022, and 23.6.2022 filed by the Petitioner as contained in Annexure- P /15 and 16;”

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, more so in view of the disputed question of fact, fairly states that petitioner be permitted to take recourse to such equally, efficacious

alternative remedies as are available in accordance with law.

Permission granted.

Petition stands disposed of in the aforesaid terms.

We clarify that we have not adjudicated the dispute on merits. All questions of fact and law are left open to be agitated and adjudicated before the appropriate forum in appropriate proceedings.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA