

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10850 of 2022

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Jayanti Singh Wife of Ramendra Kumar Singh, Resident of- Ward No. 23,
Opposite Zila Parishad, Gate Road, Belbanwa, District- Motihari, East
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. The Chief Engineer, Bihar State Educational Infrastructure Development
Corporation Limited, Bihar, Patna.
3. The Executive Engineer, Bihar State Educational Infrastructure
Development Corporation Limited, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Yogesh Kumar, Advocate
For the Respondent/s : Mr.Smt. Shilpa Singh (GA-12)

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

Date : 11-08-2022

Heard learned counsel for the parties.

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

- i. For setting aside the office order contained in Memo No.
4501 dated 13-06-2022 issued under the signature of
Chief Engineer, Bihar State Educational Infrastructure
Development Corporation Limited, Bihar, Patna whereby

and whereunder respondent authority rescinded the agreement bearing Agreement No. 559 SBD 2014/15 for "construction of Model School in Bihar Group No. MS-127, Government Basic School at Bhawanati, Government Basic School at Bhehwa Circle & H.S. at Dluksa in the District of East Champaran" in terms of SBD conditions irrespective of the fact that work was being carried out by the petitioner ever after recommendation for rescindment and blacklisting under direct supervision of concerned respondent and accordingly payment were also made to the petitioner.

- ii. The petitioner further prays that after setting aside the aforementioned order of rescindment of agreement, the respondent authorities be directed to grant 4 months time to complete the balance work as the petitioner is ready and undertake to complete the said work within period of 4 months on the same old rate in light of Judgment rendered in B.K. Enterprises, Dhanpura, Ara v. State of Bihar, 2007 SCC OnLine Pat 44 : (2008) 1 PLJR 473, Order dated 18.09.2017, passed in CWJC No. 10091 of 2017 (Kems Services Pvt. Ltd. Vs. South Bihar Power Distribution Company Ltd. & Ors as well as Judgment reported in 2020(4) PLJR, 764.
- iii. For any other relief for which the petitioner may be deemed entitled to.

In view of the fact that Bihar Public Works Dispute Arbitration Tribunal is now functional, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to take recourse to such other

remedies, as are otherwise available, in accordance with law.

Permission granted.

We are sure that as and when any such proceedings are initiated, before the appropriate forum/Tribunal, the same shall be considered and decided expeditiously, in accordance with law, preferably within a period of six months from the date of institution.

Needless to add, period for which the petitioner has been pursuing the matter before this Court, shall be excluded for the purpose of computing limitation.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

The petition stands disposed of as withdrawn with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

