

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12272 of 2022

Mohammad Ejaz Alam , Son of Md. Yunus, resident of Gandhi Path, Ward
No. 8, P.O. and P.S. - Saharsa, District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat Building,
Patna, Bihar.
2. The Principal Secretary, Department of Social Welfare, Government of
Bihar, Patna.
3. The Commissioner, Kosi Division, Saharsa.
4. The Director ICDS, Bihar, Patna.
5. The Director, Child Development Integrated Program, Patna.
6. The District Magistrate, Madhepura.
7. The DDC, Madhepura.
8. The District Program Officer, Madhepura.
9. The Child Development Project Officer, Udakisunganj.
10. The Child Development Project Officer, Kumarkhand.
11. The Child Development Project Officer, Bailadh.
12. The Child Development Project Officer, Sankarpur.
13. The Child Development Project Officer, Sinheswar.
14. The Child Development Project Officer, Gamahariya.
15. The Child Development Project Officer, Murliganj.
16. The Child Development Project Officer, Puraini.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jai Vardhan Narayan, Advocate Mr. Sarvendra Kumar Verma, Mr. Abhishek Anand, Advocate
For the Respondent/s	:	Smt. Kumari Amrita, GP 3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

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 : 26-08-2022



Petitioner has prayed for the following relief(s):

- (I) Issuance of directions, orders or writs in the nature of certiorari setting aside the order dated 20.04.2022 passed by the District Program Officer, Madhepura in Aanganbadi Case No. 16 of 2021 whereby and where under the representation of the petitioner which had been filed in the light of the order dated 15.11.2021 passed in C.W.J.C. No. 10264 of 2020 had been rejected and the Child Development Programming Officer had been directed to release/pay the remaining due amount at a reduced rate after making proper deduction in the supply rate which is completely erroneous, arbitrary and illegal as well as high handedness of the authorities.
- (II) Issuance of directions order or writs in the nature of mandamus directing the respondents to forthwith pay the due amount in the tune of Rs. 16,40,000/- for supplying various items to the department which had been utilized under the schemes related to Child Development Program at various Anganbadi Centers.
- (III) Any other relief or reliefs for which the petitioner may be deemed entitled to.

We find the respondents to have fully complied with the order dated 15.11.2021 passed by this Court in CWJC No. 10264 of 2020, titled as **Md. Ejaz Alam Vs. The State of Bihar**



& Ors. (Page 55). In terms of the impugned order dated 20.04.2022, passed in the light of the decision in Md. Ejaz Alam (supra), the respondents have not admitted the amount due and payable to the petitioner. In fact, a serious dispute with regard to the quality of the goods supplied by the petitioner stands raised.

In this view of the matter, we are of the considered view that disputed question of fact cannot be adjudicated in a petition filed under Article 226 of the Constitution of India and needs to be dealt with, be it on any ground, including discrimination, by a court having competent jurisdiction for which alone would be entitled to adjudicate the factual matrix.

As such, present petition is disposed of reserving liberty to the petitioner to initiate appropriate proceedings in accordance with law.

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

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.08.2022
Transmission Date	

