

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17157 of 2021

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Vidyawati Kumari @ Vidyavati Devi, D/o Jayram Ram, resident of Village-Tiyara, P.O.-Manoharpur, P.S.-Rajpur, District-Buxar, At present of Village-Hukhan, P.S.-Buxar (Muffasil), District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Industries Department, Bihar, Patna.
2. The Director, Technical Development, Industries Department, Bihar, Patna.
3. The Director Industries, Bihar, Patna.
4. The General Manager, District Industries Centre, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raju Kumar, Advocate
For the Respondent/s	:	Mr.Rajiv Roy (Gpl)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 22-01-2022

Heard learned counsel for the parties.

2. Petitioner has prayed for following reliefs:-

- (i) To issue an appropriate order/s direction/s including a writ preferably in the nature of CERTIORARI for quashing the letter No. 250 dated 17-07-20 issued from the office of the General Manager, District

Industries Centre, Buxar (Hereinafter referred to as Respondent No. 04) issued to the petitioner whereby and where under she has been directed to make the payment of first installment under Chief Minister SC/ST Entrepreneur Scheme and submit utility certificate and open the current bank account within time limit failing which her candidature shall be cancelled followed by recovery of amount financed to the petitioner.

- (ii) To quash the letter No. 109 dated 08-03-2021 issued from the office of respondent No. 04 to the petitioner whereby and where under she has been directed to deposit first installment within a week in the account of Bihar Start-up Fund Trust, Patna and inform the office failing which amount shall be recovered under the Public Demand Recovery Act.
- (iii) To quash the letter No. 263 dated 19-08-2021 issued from the office of respondent No. 04 to the petitioner whereby and where under the petitioner has been directed to return a sum of Rs 2,50,000/- sanctioned through account under the Chief Minister SC/ST Entrepreneur Scheme for opening a

business of carpentry wooden, furniture which has not been utilized and hence amount in question was directed to deposit in the account of Bihar Start-up Fund Trust, Patna bearing Account NO. 39442695081 SBI, Bailey Road, Patna I.F.S.C. Code SBI NO. 0006379 failing which action shall be taken under Public Demand Recovery Act.

- (iv) To direct the respondent No. 04 to sanction rest of the amount of 2nd, 3rd and 4th installments amounting to Rs. 7,50,000/- in favour of the petitioner for establishment of plant and machinery and issue utility certificate accordingly.
- (v) To any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.

3. After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned, respondent no.4, the General Manager, District Industries Centre, Buxar to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

4. Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

5. Statement accepted and taken on record.

6. As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably

within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

(j) The proceedings, during the time of current

Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

7. The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2022
Transmission Date	NA