

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19355 of 2021

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Mahaboudh Jah Swasthaya Evem Servangin Vikas Kendra 103, Ramalaya
Vijay Nagar Rukunpura, Patna through its Secretary Dilip Kumar, aged about
45 years Male, Son of Shri Mohan Sharma, Resident of Village - Khokhari,
P.s. - Arwal, District- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Executive Officer, Bihar Board of Open Schooling and Examination, Chanakiya Law Collage Compus, Mithapur, Patna.
3. Senior Executive Officer Pariyojana - 1 Government of Bihar, Patna.
4. The Principal Secretary Education Department Government of Bihar, Patna.
5. District Education Officer, Siwan.
6. District Education Officer, Katihar.
7. District Education Officer, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Quamar Raza, Advocate
		Mr. Md. Fazle Karim, Advocate
For the Respondent/s	:	Mr. Subash Chandra Mishra, SC-16

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

Date : 30-06-2022

Heard learned counsel for the parties.

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



- i. For issuance of an appropriate writ in the nature of direction, commanding the respondents to make payment of the assigned work done due of Rs. 22,11,510=00 only with 18%. The training work for the petitioner (NGO) engaged in providing Skill Development and Vocational training ensure to providing quality Skill training to the students of Hunar IV for girls student under the said project launched by the Government of Bihar. The through work was allotted to the petitioner by the Senior Executive officer -1 Bihar Board of Open Schooling & Examination vide its Memo no. 104 dated 6.02.2014 for the Students of the Block – Ajamnagar, Buhariganj Husainganj, Lakrinwinganj , Maharajganj, Pachrukhi, Ragunathpur, Siwan, Katihar and Madhepura and Memorandum of understanding was signed with each other. The total amount for the whole training cost is Rs. 28,24,000 in them the petitioner received only (Rs. 6,12,490 = 00 and Rest Rs. 22,11,510 = 00 (Rs Twenty two lakh Eleven thousand nine hundred ten only) is still not paid by the respondent to the petitioner.
- ii. For issuance of direction to the respondent to consider the case of the petitioner to make payment of arrear due of above said claim in Para – 1 of the petitioner under Bihar Board of Open Schooling & Examination rules, Government of Bihar.
- iii. For issuance of an appropriate writ /order direction in favor of the petitioner as your lordship may deem fit and proper in facts and circumstances of the case.



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, under instructions, states that petitioner shall be content if the petitioner is permitted to withdraw the present petition reserving liberty to initiate appropriate proceedings before the appropriate forum and/or take recourse to such other alternative remedies, equally efficacious in law.

Permission granted.

We are sure that as and when any such proceedings are initiated, the same shall be considered and decided in accordance with law.

Needless to add, the authorities/adjudicative body shall pass a reasoned order in accordance with law.

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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	04.07.2022
Transmission Date	

