

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20794 of 2021

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Sushil Mahto S/O Late Timali Mahato Resident of Village - Auraiya, P.S. -
Muffasil Bettiah, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through , the Secretary, Public Health Engineering Department, Govt. of Bihar, P.H.E.D. Bhawan, Bailey Road, Patna, 800001.
2. The Chief Engineer, Public Health Engineering Department, Muzaffarpur Zone, Muzaffarpur.
3. The Executive Engineer, Public Health Division, Bettiha, West Champaran.
4. The Superintending Engineer, Public Health Engineering Department, Circle- Motihari.
5. The Assistant Engineer, Public Health Sub Division, Narkatiyaganj, West Champaran.
6. The District Magistrate, West Champaran, Bettiah.
7. Junior Engineer, Public Health Engineering Department, Narkatiyaganj, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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

Date : 07-03-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“(a) For issuance of writ/writs, direction/directions, order/orders to the respondents to pay the security deposit as well as the earnest money to the petitioner, which has been deposited by the petitioner after submission of successful bid for Chief Minister Tube Well Scheme-2014-15 & 2015-16, before the Executive Engineer, Public Health Division, Bettiah, West Champaran and later on in the year 2017-18 the said scheme was closed by the State Government.

(b) For issuance of writ/writs, direction/directions to the respondents to pay the entire amount (security deposit as well as earnest money) with

20% interest since the date of deposit of the aforesaid amount before the respondents.

(c) For any other relief/relief(s) for which the petitioner is found entitled by the Hon'ble Court."

We are informed that the Arbitration Tribunal constituted under the provisions of the Bihar Public Works Contract Disputes Arbitration Tribunal Act, 2008 is not functional and operational.

In this view of the matter, we are inclined to accept the petitioner's request of approaching respondent no.3, namely, the Superintending Engineer, Public Health Engineering Department, Circle- Motihari, inviting attention of his grievances with respect to the agreement executed in the year 2016.

Learned counsel for the State has no objection to the same.

We clarify that we have not expressed any opinion on merits. Also the issue of maintainability of the petition is left open.

Passing of the order shall not be construed as a precedent for the order is passed in the peculiar facts and circumstance of the instant case, more so, in view of the petitioner's previous request which are pending consideration with the authorities.

Petitioner alleges violation of principles of natural justice in the termination of his contract.

It is under these circumstances that we have passed the order.

We clarify that the authority shall take a view independent of any observations made by us.

Such view has to be based on the merits binding the parties to the agreement.

The liberty reserved to the parties to take recourse to such measures should the need so arise.

Needless to add, any request received from the petitioner shall be considered and decided within a period of two months thereafter.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.03.2022
Transmission Date	NA