

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2822 of 2019

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M/s. Jai Maa Ashapuri through its Proprietor namely Vinay Prasad Singh aged about 54 years, S/o Chandrasekhar Prasad Singh Resident of Village- Nepura (Berauti) P.S- Deep Nagar, District- Nalanda

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Human Resource Development (Department of school Education and Literacy) New Delhi
2. The Jawahar Navodaya Vidyalaya through its Principal at Rewar, P.O- Dumraon, P.S- Pakari Brawan, District-Nawada, Bihar
3. The Principal, Jawahar Navodaya Vidyalaya at Rewar, P.O- Dumraon, P.S- Pakari Brawan District- Nawada, Bihar
4. The State of Bihar, through Principal Secretary, Department of Education, Bihar, Patna Bihar
5. District Magistrate, Nawada Bihar
6. District Development Commissioner, Nawada, Bihar Bihar
7. District Programme Officer, Nawada, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Onkar Nath, Advocate Mr. Prashant Kumar, Advocate
For Respondent Nos. 4 to 7:		Mr. Jitendra Kr. Roy 1 (SC-13) Mr. U.K. Singh, AC to SC-13
For the NVS	:	Mr. Siddhartha Prasad, Advocate Mr. Sumit Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 17-02-2023

Heard learned counsels for the parties.

2. In the instant petition, petitioner has prayed for following relief(s):-

"1) That this is an application for issuance of an appropriate writ/writs, order/orders or direction for:



(i) Commanding the Respondent No. 2 to obey the terms and conditions of the tender invitation information dated 11.05.18 as contained in Letter Tender/ UNVRE/ 2018-19/79 (Annexure-1), and to place the order to the Auction Bidders accordingly.

(ii) Further commanding the respondent authorities particularly the respondent 1st Set to do the payment of admitted dues for a sum of Rs. 27,557/- (Rupees Twenty seven thousand five hundred fifty seven only) in lieu of supply of goods for the month of July, August, September and October, 2018 respectively.

(iii) For grant of any other incidental or consequential relief/reliefs for which the petitioner can be found entitled for."

3. Matter is relating to supply of green vegetables, chicken, eggs, fish etc. to respondent- Jawahar Navodaya Vidyalaya, Rewar, Nawada. Petitioner was supplying aforementioned materials. Due to certain administrative issues a committee was constituted to revise the rates in which petitioner had participated and he agreed for supply of the aforementioned goods at the revised rates and it was to be effective from 01.09.2018. When things stood thus, he has taken stand that he was compelled to sign papers. When he agreed for certain rates and thereafter if he has turned around in that event he should have questioned the validity of such document. There is no



challenge to such document. Further it is evident from para 11 and 13 of the counter affidavit, grievance of the petitioner has been redressed to certain extent. If the petitioner still feels that his entire grievance has not been redressed then one has to draw inference that it is a disputed issue which cannot be adjudicated in the writ proceedings. Supreme Court in the case of *Shalini Shyam Shetty & Another Vs. Rajendra Shankar Patil* reported in *(2010) 8 SCC 329*, it is held that disputed matter cannot be entertained in writ proceedings under Article 226 of Constitution of India.

4. Accordingly, the present petition stands disposed of reserving liberty to the petitioner to invoke appropriate remedy if he is still aggrieved in respect of disputed amount.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
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Transmission Date	N.A.

