

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1638 of 2020

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Beltaon Gramin Kalyan Sodh Sansthan a Society registered under Societies Registration Act, 1860, having its office at Village- Maheshpur, P.S.- Pipara, District- Supaul through its Secretary Veena Jaiswal, aged about 44 yrs, Female, Wife of Praveen Kumar, Resident of Village- Maheshpur, P.S.- Pipra, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Labour Resource Department, Government of Bihar, Patna.
2. The Principal Secretary, Labour Resource Department, Government of Bihar, Patna.
3. The District Magistrate, Supaul.
4. The Deputy Development Commissioner, Supaul.
5. The Labour Superintendent, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra
For the Respondent/s : Mr. Ajay Kumar Rastogi (Aag10)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 29-08-2024

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed seeking the
following reliefs:

*“(i) For issuance of writ in the nature of mandamus commanding and directing the Respondents authorities to release the payment of Rs. 35,25,000/- for running the Special Training School relating Child laborers under the National Child Labour Project as per the agreement.
(ii) In Alternative, for issuance of writ in the nature of mandamus, directing and commanding upon the respondent authorities to release Rs.16,75,230/- as payment of running nine schools as has been*



recommended by the Three Men Committee vide its inquiry report bearing Memo No. 1108-2 dated 03.08.2016.

(iii) For any other relief or reliefs for which the petitioners are found entitled in the facts and circumstances of the case.”

3. The brief facts of the case is that the petitioner is a Society duly registered under the Societies Registration Act, 1860, having its office at village -Maheshpur, P.S. Pipra, District Supaul. The petitioner society is represented by its Secretary, who is an Indian citizen residing in the State of Bihar. This writ application is deemed maintainable as the cause of action has emerged within the territorial jurisdiction of this Court, and this Court has the jurisdiction to entertain the present writ application. The National Child Labour Project (hereinafter referred to as "NCLP") Scheme was designed to establish Special Training Centers/Schools aimed at assisting children aged 9 to 14 who have been removed from hazardous work environments. The primary goal of this initiative is to reintegrate these children into formal education or connect them with suitable vocational training within a maximum timeframe of three years. The strategy includes expanding the NCLP Scheme and relocating existing projects to address all districts significantly affected by child labor. It is to be noted that the projects are overseen by the District Magistrate of the respective



district, including the District of Supaul, which is also part of this initiative.

4. Learned counsel for the petitioner submits that in accordance with Memo No. 243 dated 21.06.2007, the NCLP Committee of Supaul, Collectorate of Supaul, allocated four Special Child Labour Schools to the petitioner. These schools are situated in Pathra Gordhey and Maheshuwa within the Triveniganj Block, as well as Hatwariya and Basaha in the Pipra Block. The aforementioned order also instructed the petitioner to finalize the agreement by 25.06.2007. Subsequently, an agreement was formalized between the petitioner and the Project Director of the National Child Labour Project Committee, Supaul, on 22.06.2007 (Annexure-P/1 of the writ application). He further submits that vide Memo No.17 dated 04.03.2008, the petitioner was allotted the Special Child Labour Schools at Chandipar, Chitahi Hanumannagar and Murali in Saraygarh-Bhapatiyahi Block. Vide aforesaid memo, the petitioner was also directed to execute an agreement with respect to the aforesaid schools by 06.03.2008. Thereafter, an agreement was executed between the petitioner and Project Director, NCLP Committee, Supaul on 04.03.2008 (Annexure-P/2 of the writ application).



5. Learned counsel for the petitioner further submits that thereafter, vide Memo No.86 dated 22.12.2008, NCLP Committee, Collectorate- Supaul, petitioner institution was given work of running two Special Child Labour School in Chatapur, Block. The petitioner was directed to get the agreement executed by 30.12.2008 and start the functioning of the school. Thereafter, an agreement was executed between the petitioner and Project Director, NCLP Committee, Supaul on 30.12.2008 (Annexure-P/3 of the writ application). According to government directives, the aforementioned special training schools were mandated to offer training for a duration of 36 months. It has been indicated that during this time-frame, the petitioner institute was responsible for supplying nutritious food and supplements, as well as providing commercial and vocational training, additionally, the institute was tasked with offering hostel accommodations and meals for children aged 9-14 years who were withdrawn from hazardous occupations and processes. The ultimate goal was to reintegrate these children into formal schooling or connect them with effective vocational training within a maximum period of three years (36 months).

6. Learned counsel for the petitioner further submits that that during this period, the petitioner institution



submitted a Bill of Rs.35,27,529/- for running the Special Children Labour Schools. Against the aforesaid amount, the Assistant Director, NCLP, Supaul vide his File Noting dated 22.01.2013, prepared a detailed chart of the total payable amount, in which he admitted that Rs.19,56,374/- is due based upon the physical verification report (Annexure-P/4 of the writ application). Thereafter, on the directions of the District Magistrate, Supaul, the Assistant Director, NCLP, Supaul vide his File Noting dated 20.02.2013, prepared another detailed chart of the total payable amount, in which he admitted that Rs. 19,47,986/- is due to petitioner (Annexure-P/5 of the writ application). Thereafter, on the orders of District Magistrate, Supaul, the Assistant Director, NCLP, Supaul vide his File Noting dated 19.03.2013, prepared another detailed chart of all the Schools including the date of inspection and report of inspection (Annexure-P/6 of the writ application).

7. Learned counsel for the petitioner further submits that the Assistant Director, NCLP, Supaul, vide his File Noting dated 04.06.2013 stated that the audit report with regards to petitioner has been done and Rs.35,27,529/- is payable to the petitioner. He has further stated that against the aforesaid dues, Rs.19,71,517/- is available in the books of account for making



payment to the petitioner. Thereafter, vide File Noting dated 05.06.2013, approval has been sought for making payment of Rs. 35,26,975/- due amount from the available balance of Rs. 19,71,517/- in books of account (Annexure-P/7 of the writ application). Thereafter, vide File Noting dated 10.07.2015, Project Director, NCLP, Supaul, recommended for making payment of Rs. 16,75,230/- to the Petitioner institution (Annexure-P/8 of the writ application).

8. Learned counsel for the petitioner further submits that a three-member committee consisting of District Welfare Officer, Supaul, District Education Officer, Supaul, Additional Collector, Supaul was constituted for verifying the dues amount of petitioner. The three men-committee vide its inquiry report bearing Memo No.1108-2 dated 03.08.2016 submitted its report contending *inter-alia* that during the course of inquiry of file of NCLP, it was found that petitioner was running nine Child Labour Special School in four Block of Supaul District. It has been further stated that from the perusal of the file, it is discernible that previous payment has been made based on spot inspection by the Senior Officials like Sub Divisional Officer, Senior Deputy Collector, Block Development Officer, Labour Enforcement Officer etc. The



Three Men Committee also found that the file of the Petitioner, Head Clerk, Project Director, Deputy Development Commissioner, etc have given favorable comments for releasing the due amount. It has been also stated in the Three Men Committee Report that after deducting the previous payment. total of Rs.19,56,374/- is liable to be paid. It has been also stated that under the heading of Honorarium Rs.19,56,374/- is available, from which the dues amount of petitioner can be paid. It has been further stated that the dues amount also includes the scholarship amount of students and as per the Departmental Guidelines, the scholarship amount has to be given through Direct Benefit Transfer mode. Hence, excluding the scholarship amount, Rs.1675230 is admissible due for payment to Petitioner for his 9 Schools. It has been finally stated that Petitioner is required to be paid the due amount (Annexure-P/9 of the writ application).

9. Learned counsel for the petitioner further submits that thereafter petitioner approached District Public Grievance Redressal Officer, Supaul for release of payment. The Public Grievance Redressal Officer, taking note of the fact that District Magistrate, Supaul has already constituted a Three Men Committee, for verifying the claims of petitioner and submitted



a report and vide Letter No.143 dated 11.08.2016, the Labour Superintendent has already submitted the report on payment of due amount. Therefore, the Public Grievance Redressal Officer directed the Labour Superintendent, Supaul to make the payment as soon as possible (Annexure-P/10 of the writ application). However, said order was not complied with by the respondent authorities, and being aggrieved and dissatisfied, Petitioner moved before the Commissioner, Koshi Division, Saharsa-cum-First Appellate Authority. It is stated that the First Appellate Authority vide its order dated 14.10.2016, taking note of the grievance of the Petitioner, with regards to payment of the due amount of Special Training School/Child Labourers directed the Labour Superintendent, Supaul to make the payment within 30 days (Annexure-P/11 of the writ application).

10. Learned counsel for the petitioner further submits that the Petitioner approached the Principal Secretary, Labour Resources Department- cum-Second Appellate Authority, wherein vide order dated 17.01.2017, the respondent authorities were instructed to process the payment within a period of 45 days (Annexure-P/12 of the writ application). He further submits that on 03.04.2017, the petitioner submitted a representation to the Principal Secretary, Labour Resources



Department, Patna, Bihar, highlighting the issue of non-payment of the owed amount (Annexure-P/13 of the writ application). He further submits that thereafter the petitioner, subsequently, submitted another representation to the Principal Secretary, Labour Resources Department, Patna, Bihar, indicating that the payment had not yet been made despite the prior directive (Annexure-P/14 of the writ application).

11. Learned counsel for the petitioner further submits that the petitioner has once again submitted a representation to the District Magistrate-cum-Chairman of the District Child Labour Project Committee in Supaul, requesting the release of his outstanding payment. He emphasized that the project was initiated under the directives of the District Magistrate. Furthermore, the Petitioner pointed out that the Public Grievance Redressal Officer had issued an order on 06.06.2016, instructing the release of the payment. Following this order, a three-member committee was established to investigate and verify the matter, and this committee submitted its report recommending payment on 12.07.2016. However, the payment has yet to be disbursed. Subsequently, the Petitioner moved before the First Appellate Authority as well as the Second Appellate Authority, but the payment remains



outstanding (Annexure-P/15 of the writ application).

12. Learned counsel for the petitioner further submits that the refusal to disburse funds for the operation of the Special Training School for child laborers under the NCLP Scheme to the Petitioner is unjust illegal and unlawful. He further submits that the District Magistrate of Supaul lacks justification for withholding payment to the petitioner institution for the operation of Special Training Centers/Schools which were designed to assist children aged 9-14 years, who have been withdrawn from hazardous work, with the aim of reintegrating them into formal education or connecting them with suitable vocational training within a three-year time-frame. He further submits that the actions taken by the District Magistrate, Supaul was malafied, illegal, and arbitrary. The inquiry report of the Three Men Committee, bearing Memo No. 1108-2 dated 03.08.2016, indicates that during the inquiry of the file of the NCLP, it was found that the Petitioner was successfully operating nine Child Labour Special Schools in four Block of the Supaul District. Excluding the scholarship funds, a total of Rs. 16,75,230/- is due to the petitioner for these nine schools and should be required to be paid.

13. Learned counsel for the petitioner further submits that all the schools were operated by the petitioner from 2007 to 2010 and enquiry was conducted and the District Magistrate,



Supaul enquired the matter three times, but no payment was made to the petitioner. He further submits that in year 2017, it was not possible for the petitioner to produce the relevant documents. He lastly submits that the actions are arbitrary, unlawful, and contrary to the principles established under Articles 14, 19, and 21 of the Constitution of India.

14. Learned counsel for the respondents no. 3 to 5, by way of counter affidavit submits that, in response to representation of various applicants including the petitioner for payment with regard to running of Special Training School relating to N.C.L.P. scheme, the respondent, District Magistrate, Supaul vide its Letter No. 64 dated 04.03.2017 directed the Additional Collector (Disaster Management), Supaul; The District Treasury Officer, Supaul; Assistant Director, District Child Protection Unit, Supaul; and Labour Superintendent, Supaul to conduct a fair enquiry in the matter of payment to be made on account of running special school by the applicants including the petitioner under N.C.L.P. scheme, (Annexure-A to the counter affidavit).

15. Learned counsel for the respondents no. 3 to 5 submits that on the direction of the District Magistrate, Supaul the Project Director, N.C.L.P., Supaul vide its Letter No. 65 dated 04.03.2017 informed all applicants of Special School



Operator including the petitioner that an Enquiry Committee has been constituted to conduct a fair enquiry in the matter of payment for running special training school and further requested them to appear before Enquiry Committee between 06.03.2017 to 08.03.2017 along with all relevant documents and information as stated in the aforesaid letter, otherwise, their claim for payment shall deemed to be rejected (Annexure-B of the counter affidavit). However, the respondent no. 5 (Labour Superintendent, Supaul) once again given opportunity vide its Memo No. 71 dated 11.03.2017 to the applicants to appear before the Enquiry Committee and explain their grievances. In all these process the petitioner has been asked to appear before Committee on 14.03.2017 but he neither received notice nor responded to the same even after having full knowledge of schedule of meeting (Annexure-C of the counter affidavit).

16. Learned counsel for the respondents no. 3 to 5 lastly submits that by a Letter No. 64 dated 04.03.2017, the Additional Collector (Disaster Management) Supaul submitted its report vide Letter No. 77 dated 17.03.2017 stating therein that applicants (Special School operators) were submitted their claims for payment under N.C.L.T. enclosing therein only copy of audit report, but they did not enclose any evidence in support



of their claim for payment. The report also indicates that payment cannot be processed until the claimant, including the petitioner, provides adequate evidence to substantiate their claims. The respondent has advised that any payment in this matter would not be considered valid or lawful unless the evidence pertaining to the payment is proven to be proper and authentic (Annexure-D to the counter affidavit).

17. Having heard learned counsel for the parties and perused the materials available on record, it manifests that in the inquiry report of the Three Men Committee, bearing Memo No. 1108-2 dated 03.08.2016, that the Petitioner was successfully operating nine Child Labour Special Schools in four Block of the Supaul District and the petitioner is entitled to payment of a total of Rs. 16,75,230/-.

18. Considering the facts and circumstances of the case, this Court deems it fit and proper to direct the respondent no. 3 (District Magistrate, Supaul,) to make the payment of Rs.16,75,230/- to the petitioner within a period of two months from the date of receipt/production of a copy of this order.

19. It is made clear that the respondent no. 3 shall be liable for non-compliance of this order within the stipulated period.

20. With the aforesaid direction, the writ application



stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2024
Transmission Date	NA

