

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2762 of 2024

Seemanchal Technical And Educational Development Institution (Registered Society Under Society Reg. Act. 21/1860), through its Registered Office at Prabhat Colony (Ward No.22) Purniya, Bihar, Pin 854301, through its Secretary Uday Shankar Prasad Singh aged about 56 Years, S/o Late Jay Jay Ram Singh, Near Mount Carmel English School, Prabhat Colony Purnea, Bihar-854301

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Joint Secretary, Transport Department, Government of Bihar Patna.
3. The Secretary, Transport Department, Government of Bihar Patna.
4. The District Transport Officer, District Road Safety Committee, Purnea, Bihar.
5. The District Magistrate, Purnea, Bihar.
6. The Divisional Commissioner, Purnea Division, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Senior Advocate with
Ms. Akriti Aishwarya, Advocate.

For the Respondent/s : Mr. Government Pleader 14

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

5 13-09-2024

I.A. No. 01 of 2024

For the reasons mentioned in the Interlocutory
Application No. 01 of 2024, the same is allowed.

2. Registry is directed to make necessary changes
accordingly.

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3. Heard learned counsel for the parties.

4. The present Writ Petition has been filed for the



following reliefs:-

“(i) For issuing a writ of mandamus or any other appropriate writ directing the Respondents to pay the petitioner its remaining entitlement of Rupees 11,10,657/- (Rupees eleven lakhs ten thousand and six hundred fifty seven rupees) under the notification no. 06/Driving School (policy)- 03/2020, 8296 dated 12.12.2020 notified by Transport department Bihar;

ii. For issuing a writ of mandamus or any other appropriate writ directing the respondent authority to release permission letter/ license to operate technical institution, without further delay, in favor of Petitioner as license fee of Rs. 10,000/- (Rupees ten thousand) has been deposited by Petitioner vide E-challan dated 15.9.2023 as per statutory requirement of Central Motor Vehicles Rules, 1989;

iii. For directing the respondent authorities to pay compensation amount to Petitioner, as upon promise made by Respondent authority, Petitioner set up his unit for which he undertook loan from bank, invested in technical equipment's, purchased vehicles, installed stimulator machines and even hired employees and as a result of which, the petitioner is facing enumerable hardships and difficulties in the nature of overburdening of financial liabilities and maintenance expenses;

iv. For a direction to the respondents for grant of remaining entitlement at the earliest to save the



petitioner from suffering irreparable loss;

v. For holding that the inordinate delay in grant of remaining entitlement under the notification no. 06/Driving School (policy)-03/2020, 8296 dated 12.12.2020 to the petitioner even after making the entire investment as well as grant of approval by respondents vide letter no.1033/ dated 04.05.2023 is unjust, illegal and arbitrary;

vi. For holding that inordinate delay in release of permission letter/license in favor of petitioner and withholding the remaining entitlement amount of petitioner resulting in irreparable loss to petitioner violates the 'principles of promissory estoppel' as laid down in the land mark judgments of Motilal Padampat Sugar Mills Co. (P) Ltd vs. State of U.P and ors 1979 (2) SCC 409 and M/s Suprabhat Steel Ltd. Vs. The State of Bihar 1995 (2) PLJR 536:

vii. For holding that once the proposal has been accepted and petitioner is declared entitled under the Policy then the Respondents cannot withhold the entitled amount of Petitioner;

viii. For holding that the Respondents cannot make the Petitioner run from pillar to post for its entitlement once it is found entitled.

5. In the counter affidavit filed by the Respondent Nos. 4 & 6, it is stated that the necessary steps are been taken for payment of the Rs. 7 Lakhs to the petitioner and the balance Rs. 4 Lakhs will be paid after verification of the Driving School.



A supplementary counter affidavit has also been filed stating that an amount of Rs. 7 Lakhs has already been paid vide Memo No. 1668/Trans dated 05.09.2024. The payment of the above amount has not been denied by the petitioner.

6. However, learned counsel for the petitioner has drawn the attention of this Court to the rejoinder filed to the counter affidavit wherein a specific stand has been taken by the petitioner stating that the verification of the Driving School has been conducted by the office of the Joint Direction, ITDR, Aurangabad on 07.08.2024. Therefore, the stand taken by the authorities that the Rs. 4 Lakhs will be paid after the verification is not correct. Further learned counsel for the petitioner has stated that the an interlocutory application No. 1 of 2024 has been filed seeking a direction to the authority concerned for granting permission letters/license for the heavy motor vehicle as the petitioner has already paid the necessary fees/installments.

7. Having regard to the facts and circumstances, the present writ petition is disposed of directing the respondents to pay the amount of Rs. 4 Lakhs as expeditiously as possible preferably within a period of four weeks from the date of the receipt of the copy of this order. Further the authorities are



directed to process the application made by the petitioner for granting of licence/permission letter for heavy motor vehicles and pass necessary orders within a period of four weeks from today.

8. In case, the authorities are of the opinion that there is no application made by the petitioner for grant of heavy motor vehicle and no amounts have been paid by the petitioner, they shall intimate the same to the petitioner.

9. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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