

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2981 of 2022

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M/S Neha Enterprises Sant Nagar Mohan Eghu Barieghu, Begusarai through its Proprietor Ashutosh Kumar aged about 42 years, (Male) son of Late Madan Gopal Singh, resident of Sant Nagar, Mohan Eghu P.S. Muffasil, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Secretary, Public Health Engineering Department, Bihar, Patna.
3. The Engineer in Chief cum Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Zonal Chief Engineer, Public Health Engineering Department, Bhagalpur Zone, Bhagalpur.
5. The Superintending Engineer, Public Health Engineering Circle, Begusarai.
6. The Executive Engineer cum Project Manager, District Project Management Unit Begusarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3105 of 2022

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M/s Neha Enterprises Sant Nagar Mohan Eghu Barieghu, Begusarai through its Proprietor Ashutosh Kumar aged about 42 Years, (Male) Son of Late Madan Gopal Singh, Resident of Sant Nagar, Mohan Eghu P.S. Muffasil, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Secretary, Public Health Engineering, Department, Bihar, Patna.
3. The Engineer in Chief Cum Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Zonal Chief Engineer, Public Health Engineering Department, Bhagalpur Zone, Bhagalpur.
5. The Superintending Engineer, Public Health Engineering Circle, Begusarai.
6. The Executive Engineer Cum Project Manager, District Project Management Unit Begusarai.

... .. Respondent/s

with



Civil Writ Jurisdiction Case No. 3113 of 2022

M/s Neha Enterprises Sant Nagar, Mohan Eghu Barieghu, Begusarai through its Proprietor Ashutosh Kumar, aged about 42 years, (Male), Son of Late Madan Gopal Singh, Resident of Sant Nagar, Mohan Eghu, P.S. Muffasil, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Secretary, Public Health Engineering Department, Bihar, Patna.
3. The Engineer in Chief Cum Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Zonal Chief Engineer, Public Health Engineering Department, Bhagalpur Zone, Bhagalpur.
5. The Superintending Engineer, Public Health Engineering Circle, Begusarai.
6. The Executive Engineer Cum Project Manager, District Project Management Unit Begusarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3120 of 2022

M/s Neha Enterprises Sant Nagar Mohan Eghu Barieghu, Begusarai through its Proprietor Ashutosh Kumar aged about 42 Years, (Male) Son of Late Madan Gopal Singh, Resident of Sant Nagar, Mohan Eghu P.S. Muffasil, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar,Patna.
2. The Secreary, Public Health Engineering Department, Bihar, Patna
3. The Engineer in Chief Cum Special Secreary, Public Health Engineering Department, Bihar,Patna.
4. The Zonal Chief Engineer, Public Health Engineering Department, Bhagalpur Zone, Bhagalpur.
5. The Superintending Engineer, Public Health Engineering Circle, Begusarai.
6. The Executive Engineer Cum Project Manager, District Project Management Unit Begusarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3149 of 2022



M/S Maa Bindhyavasini Construction through Santosh Kumar (M) aged about 44 years, Son of Late Srikant Choudhary, resident of Patel Chowk, Gachhi Tola, Station Road, Ballia, P.O. - Lakhminiya P.S. Ballia, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Secretary, Public Health Engineering Department, Bihar, Patna.
3. The Engineer in Chief Cum Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Zonal Chief Engineer, Public Health Engineering Department, Bhagalpur Zone, Bhagalpur.
5. The Superintending Engineer, Public Health Engineering Circle, Begusarai.
6. The Executive Engineer cum Project Manager, District Project Management Unit Begusarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3160 of 2022

M/S Neha Enterprises Sant Nagar Mohan Eghu Barieghu, Begusarai through its Proprietor Ashutosh Kumar aged about 42 years, (Male) Son of Madan Gopal Singh, resident of Sant Nagar, Mohan Eghu P.S. Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Secretary, Public Health Engineering Department, Bihar, Patna.
3. The Engineer in Chief Cum Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Zonal Chief Engineer, Public Health Engineering Department, Bhagalpur Zone, Bhagalpur.
5. The Superintending Engineer, Public Health Engineering Circle, Begusarai.
6. The Executive Engineer cum Project Manager, District Project Management Unit Begusarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3243 of 2022



M/s Maa Bindhyavasini Construction through Santosh Kumar (M) aged about 44 years, Son of Late Srikant Choudhary, Resident of Patel Chowk, Gachhi Tola, Station Road, Ballia, P.O. - Lakhminiya P.S. Ballia, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Secretary, Public Health Engineering Department, Bihar, Patna.
3. The Engineer in Chief Cum Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Zonal Chief Engineer, Public Health Engineering Department, Bhagalpur Zone, Bhagalpur.
5. The Superintending Engineer, Public Health Engineering Circle, Begusarai.
6. The Executive Engineer Cum Project Manager, District Project Management Unit, Begusarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3354 of 2022

M/s Maa Bindhyavasini Construction through Santosh Kumar (M) aged about 44 years, Son of Late Srikant Choudhary, Resident of Patel Chowk, Gachhi Tola, Station Road, Ballia, P.O. Lakhminiya, P.S. Ballia, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Secretary, Public Health Engineering Department, Bihar, Patna.
3. The Engineer in Chief cum Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Zonal Chief Engineer, Public Health Engineering Department, Bhagalpur Zone, Bhagalpur.
5. The Superintending Engineer, Public Health Engineering Circle, Begusarai.
6. The Executive Engineer cum Project Manager, District Project Management Unit Begusarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3355 of 2022

M/s Maa Bindhyavasini Construction through Santosh Kumar (M) aged about 44 years, Son of Late Srikant Choudhary, Resident of Patel Chowk, Gachhi Tola, Station Road, Ballia, P.O. - Lakhminiya, P.S. Ballia, District - Begusarai.



... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Secretary Public Health Engineering Department, Bihar, Patna.
3. The Engineer in Chief Cum Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Zonal Chief Engineer, Public Health Engineering Department, Bhagalpur Zone, Bhagalpur.
5. The Superintending Engineer, Public Health Engineering Circle, Begusarai.
6. The Executive Engineer Cum Project Manager, District Project Management Unit Begusarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3373 of 2022

M/S Maa Bindhyavasini Construction Through Santosh Kumar (M) aged about 44 years, Son of Late Srikant Choudhary, resident of Patel Chowk, Gachhi Tola, Station Road, Ballia, P.O. Lakhminiya P.S. Ballia, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Secretary, Public Health Engineering Department, Bihar, Patna.
3. The Engineer in Chief Cum Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Zonal Chief Engineer, Public Health Engineering Department, Bhagalpur Zone, Bhagalpur.
5. The Superintending Engineer, Public Health Engineering Circle, Begusarai.
6. The Executive Engineer cum Project Manager, District Project Management Unit Begusarai.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 2981 of 2022)

For the Petitioner/s : Mr. Harsh Anuj, Adv.

For the Respondent/s : Mr. Arvind Ujjwal (SC 4)

(In Civil Writ Jurisdiction Case No. 3105 of 2022)

For the Petitioner/s : Mr. Harsh Anuj, Adv.

For the Respondent/s : Mr. S. Raza Ahmad (AAG 5)

(In Civil Writ Jurisdiction Case No. 3113 of 2022)

For the Petitioner/s : Mr. Harsh Anuj, Adv.



For the Respondent/s : Mr. Arvind Ujjwal (SC 4)
(In Civil Writ Jurisdiction Case No. 3120 of 2022)
For the Petitioner/s : Mr. Harsh Anuj, Adv.
For the Respondent/s : Mr. S. Raza Ahmad (AAG 5)
(In Civil Writ Jurisdiction Case No. 3149 of 2022)
For the Petitioner/s : Mr. Harsh Anuj, Adv.
For the Respondent/s : Mr. S. Raza Ahmad (AAG 5)
(In Civil Writ Jurisdiction Case No. 3160 of 2022)
For the Petitioner/s : Mr. Harsh Anuj
For the Respondent/s : Mr. Arvind Ujjwal (SC 4)
(In Civil Writ Jurisdiction Case No. 3243 of 2022)
For the Petitioner/s : Mr. Harsh Anuj, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (SC 4)
(In Civil Writ Jurisdiction Case No. 3354 of 2022)
For the Petitioner/s : Mr. Harsh Anuj
For the Respondent/s : Mr. S. Raza Ahmad (Aag 5)
(In Civil Writ Jurisdiction Case No. 3355 of 2022)
For the Petitioner/s : Mr. Harsh Anuj, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (SC 4)
(In Civil Writ Jurisdiction Case No. 3373 of 2022)
For the Petitioner/s : Mr. Harsh Anuj, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (SC 4)

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

4 19-03-2024 All the writ petitions have been clubbed together as
the issue involved in all the writ petitions is one and the same.

2. The main grievance of the petitioners is that even though the petitioners have completed works way-back in the year 2020, the authorities have yet to pay the amounts due to the petitioners for the variation in the work. Though the petitioners have submitted the necessary bills and documents to support the variation/deviation, the authorities have till date not paid the amounts due. Learned counsel for the petitioners, therefore, seeks a direction from this Court to direct the authorities to make the necessary payments after verification of the variation/deviation works done by the petitioners.



3. At Paragraph No. 18 of the counter affidavit filed by the Respondent Nos. 2 to 6, it is specifically averred as under:-

“That it is humbly submitted that if the payment on account of deviation/variation report submitted by the petitioner is found admissible, the same shall be paid to the petitioner and if the same shall not be found admissible, the answering respondents shall dismiss the claim of the petitioner by a reasoned order.”

4. Having regard to the above stand taken by the authority, without going into the merits or demerits of the case, the present writ petition is disposed of directing the Respondent No. 2 i.e. the Secretary Public Health Engineering Department, Bihar, Patna in CWJC No. 2981 of 2022 to verify the claims of the petitioners and in case, the same is found to be genuine and admissible, make necessary payments. If any further clarification is required from the petitioners, the petitioners shall be put on notice and given an opportunity of hearing. In case, the authority comes to the conclusion that the claim of the petitioners is not admissible, a reasoned order giving the reasons for rejection of the claim shall be passed. Any order passed shall be communicated to the petitioners. The entire exercise shall be completed as expeditiously as possible preferably within a



period of eight weeks from the date of receipt of the copy of this order.

5. With the above directions, the present Writ Petitions stands disposed of.

(A. Abhishek Reddy, J)

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