

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20216 of 2018

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Mahila Shishu Kalyan Sansthan Evam Hast Shilp Prashikshan Kendra Prof.-
Manzar Hussain Son of Late Mohammad Jlil Resident of Bindeshwari Com-
pound Late Usman DSP House,Chandwara,P.S. Town Muzaffarpur,Bihar-
842001

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Collector-cum-Chairman,Distirect Child Labour Project Committee, Muzaf-
farpur
3. Sr. Deputy Collector-cum-Project Director,District Child Labour Project
Committee,Muzaffarpur
4. Assistant Labour Commissioner-cum-Project Director,Chata Chowk,Muzaf-
farpurDepartment of Labour and

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Srivastava, Advocate
	:	Mr. Sangha Mitra Ghosh, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar, GP-24

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL JUDGMENT

Date : 22-10-2024

1. The Writ petition is filed commanding the respondents to make payment of the admitted expenses due worth of Rs. 8,45,260/- (Eight Lakhs Forty Five Thousand Two Hundred Sixty) for which the petitioner organization incurred under “Child Labour Upliftment Project”. The petitioner organization is a Non-governmental organization



registered under the “Societies Registration Act” vide Registration No. 250/86-87.

2. Pursuant to an advertisement published in Dainik Newspaper ‘Hindustan’ dated 28.02.2007 by the respondent, the petitioner made application on 07.03.2007 for operating “Child Labour Special School” in two blocks “Uffrauli” (Katra) and “Chakjamal” (Minapur) of Muzaffarpur district. The project was for a period of 36 months commencing from August 2007 to September 2010 and the respondent Government was to provide fund of Rs. 2,44,400/- per year each school for meeting the expenses on different heads Viz. Honorarium to Instructors, Stipend to the student, Nutrition expenses, rent, water, electricity bills and other contingencies. After scrutiny of the application, the petitioner organization was allotted with the project/scheme for two schools at two blocks. The petitioner organization worked as to the full satisfaction of the respondent in all the respects



from August 2007 to September 2010 without any blemish from from any corner. The Government has initially released fund for 16 months out of 36 months for the operation of the said project and suddenly stopped the release of the expense fund for the last 20 months which amounted to Rs. 8,45,260/-. The petitioner organization made several representations to the respondent Government in this regard on 30.10.2014, 14.11.2017, 28.07.2018 and 01.08.2018 for the release of the admitted dues worth Rs. 8,45,260/-.

3. The Senior Deputy Collector-cum-Project Director, District Labour Committee, Muzaffarpur also made several recommendations for payment of Rs. 8,45,260 and inspite of the said recommendations, the payment was not released till date. Further, the petitioner has also made a complaint before the “District Public Grievance Redressal Authority, Muzaffarpur” vide complain No. 414110120111701046 and the said authority



passed appropriate orders dated 14.03.2018 directing the competent authority to redress the grievances of the petitioner as the amount was not paid by the respondent and the petitioner was constrained to file the Writ application.

4. A detailed Counter Affidavit was filed on behalf of respondent Nos. 2, 3, and 5 denying all the allegations made in the Writ petition and the counter specifically disclose that any dispute arising between the Government and the contractors can be raised before Bihar District Contract Dispute Arbitration Tribunal and the petitioner without availing the said remedy has approached this Court under Article 226 of the Constitution of India and therefore, prayed to dismiss the Writ petition, as an alternative effective remedy is available for the petitioner.

5. Rejoinder to the Counter Affidavit was filed reiterating the contents of the Writ petition contending that the Senior Deputy Collector-cum-



Project Director, District Child Labour Committee, Muzaffarpur has admitted the dues for amount of Rs. 8,45,260/- and inspite of it, no payment has been received by the petitioner organization.

6. Heard the arguments and peruse the records.

7. On perusal of the records, it is evident that the petitioner organization was allotted work order for running the schools from August 2007 to September 2010.

8. It is specific contention of the petitioner that he received the amount for a period of 16 months from the respondent, but the respondent did not release the amount for the remaining period of 20 months.

9. Admittedly, the petitioner made several representations before the respondent authority for payment of Rs. 8,45,260/-. Annexure 4 is the Letter of the Senior Deputy Collector-cum-Project Director, District Child Labour Committee,



Muzaffarpur in which the aforesaid due amount is admitted.

10. Admittedly, these are all the question of facts which are to be decided by the authorities. Though the tenure of the school ended in the month of September 2010, the petitioner has not received the aforesaid amount till date and the respondent cannot sit tight without repaying the amount to the petitioner. Therefore, the respondents are directed to decide the matter forthwith i.e. within a period of three months from the date of receipt of this order. If the petitioner has any grievance he can approach before the Bihar Public Works Contract Dispute Arbitration Tribunal.

11. With the aforesaid observations, Writ petition is disposed of.

(G. Anupama Chakravarthy, J)

Manishkr/-

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

