

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7015 of 2023

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Maa Rukmanti Enterprises Saharsa through its Proprietor, Suman Kumar Singh, male, aged about 58 years, son of Sadanand Singh, Resident of Mohalla-Gautam Nagar, Gangjala, Ward No.11, Saharsa, P.S. and District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of SC/ST Welfare, Government of Bihar, Patna.
2. The Director, Department of SC/ST Welfare, Government of Bihar, Patna.
3. The District Magistrate, Saran, Chapra.
4. The District Welfare Officer, Saran, Chapra.
5. The Headmaster/Principal Government Ambedkar Residential High School, Ramchak, District-Saran.
6. The Headmaster/Principal, Government Other Backward Class Plus 2 High School, District-Saran, Chapra.
7. The Superintendent/Principal, Government Ambedkar Hostel, District-Saran, Chapra.
8. The District Welfare Officer, District-Saran, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate.

For the Respondent/s : Mr. S.D. Yadav, AAG-9.

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

11 05-09-2024 Pursuant to the supply order issued by the District Welfare Officer, Saran, the petitioner has supplied various articles to the Government Schools and Hostels and an amount of approximately Rs. 1,11,16,291/- is to be paid to the petitioner. The above articles were supplied to the Government Schools and Hostels at various places in the



District of Saran in the year, 2020.

2. In the counter-affidavit filed by the Respondent Nos. 3 & 4, it is stated that the work order issued by the then District Welfare Officer was against the guidelines issued by the Secretary, SC & ST Welfare Department, Bihar vide letter No. 1352 dated 26.12.2020 and the said District Welfare Officer did not follow the tender process for procuring the above articles. That the Director, SC & ST Welfare Department, Bihar vide Memo No. 151 dated 15.01.2021 had directed the Deputy Development Commissioner, Saran to take a decision by the District Level Purchase Committee and send its recommendations to the Department. The District Level Purchase Committee headed by the D.D.C., Saran came to the conclusion that certain financial irregularities were committed by the then District Welfare Officer in issuing the work order and the same was contrary to the Paragraph No. 131/D of the Bihar Financial Rules-2005. The District Level Purchase Committee has, therefore, rejected the claim of the petitioner in its meeting held on 06.08.2021. Further it is stated that the decision of the District Level Purchase



Committee was communicated to the petitioner vide letter No. 1766 dated 08.11.2021 and the District Welfare Officer vide Memo No. 1410 dated 06.06.2022 has directed the petitioner to take back the articles which were supplied but the petitioner has not complied with the same.

3. Except stating that the then District Welfare Officer, Saran had not followed the procedure for procuring the articles by way of tender and following the conditions as prescribed in Paragraph 131/D of the Bihar Financial Rule, there is no other ground shown for denying the payments due to the petitioner. It is very strange that the present incumbent has taken the above stand, when the goods were already supplied by the petitioner in the year, 2020. The authorities have taken decision not to pay the amounts due to the petitioner in the fag end of the year 2021 based on the recommendation of the District Level Purchase Committee. If any violation of the Bihar Financial Rule has been committed by the then District Welfare Officer, the petitioner cannot be blamed for the same. Once a work order has been issued by a competent authority, it is not for the petitioner to verify as to whether the said work order has



been issued in accordance with the rules and regulations formulated under the Bihar Financial Rules. If any violation of the rules has been done by the then District Welfare Officer, the petitioner cannot be punished for the same and denied the payments. Once it is admitted that the petitioner has supplied the goods/articles pursuant to the work order issued to him, the authorities are bound to pay the same. The authorities after a lapse of more than one year cannot turn around and say that the petitioner is not entitled to any payment, moreso when the articles supplied by the petitioner were already used by the students and staff. Further, it is pertinent to note that there is no whisper in the counter affidavit with regard to the action taken against the then District Welfare Officer, who had issued the work order. Irrespective of the fact whether they have taken any action or not, the authorities are bound to pay the amount for the articles supplied.

4. Having regard to the same, the present writ petition is allowed. The authorities are directed to make the payment of approximately Rs. 1,11,16,291/- as expeditiously as possible preferably within a period of eight



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

In case, the amounts are not paid within the time stipulated by this Court, simple interest at the rate of 12% per annum shall be calculated on the outstanding amount due to the petitioner from the date of submission of the bills till the date of actual payment and paid to the petitioner.

5. With the above directions, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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