

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2057 of 2024

Nishka Security And Intelligence Services a partnership firm having its office at BG-3, Royal Garden, Nageshwar Colony, P.S. - Budha Colony, Patna 800001 through its partner, - Smt. Ragini Ranjan, aged about 58 years (female), wife of Rajeev Ranjan, resident of Flat No. 404, Veena Shri Apartment, New Punaichak, P.S. Shastri Nagar, District - - Patna, Pin - 800023.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Patna Medical College Hospital, Patna through its Superintendent.
3. The Superintendent, Patna Medical College, Hospital, Patna.
4. The Deputy Superintendent, Patna Medical College, Hospital, Patna.
5. Certificate Officer-cum-ADM (Supply), Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary
For the Respondent/s : Mr. Standing Counsel (9)

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

Date : 14-07-2025

Heard the learned counsel for the parties.

The present writ petition has been filed for the following

relief(s):-

“i. For setting aside the entire proceedings of Certificate Case No. 2/2022-23 pending before the Certificate Officer-cum-A.D.M. (Supply) Patna.

ii. During pendency of the writ application, stay the further proceedings of Certificate Case No. 02/2022-23 pending before the Certificate Officer-cum-A.D.M. (Supply), Patna.

iii. For any other relief/ reliefs which is fit in the facts and circumstances of the case and in the interest of justice.”



3. Learned counsel appearing on behalf of the petitioner has stated that the petitioner has been granted a contract for the purpose of providing trolley service and house keeping services in the premises of Patna Medical College Hospital, Patna. Learned counsel has stated that the petitioner has been rendering the said services without any complaint from any quarters. That based on the complaint made by third party by the name of one Prabhas Chandra Sharma, the District Public Grievance Redressal Authority has taken up the case alleging that the trolley men are not getting the minimum wages and are being exploited. The petitioner has taken a stand that in case the said Prabhas Chandra Sharma has any grievance with regard to the minimum wages or if there is any violation of any labour laws, the statutory authorities appointed by the State is having the necessary jurisdiction to enquire and adjudicate the issue, the District Public Grievance Redressal Authority, Patna directed the Labour Superintendent to enquire into the said issue. Though the issue was pending before the said Labour Superintendent, the respondent Patna Medical College Hospital has initiated a parallel proceedings/ enquiry and issued a notice to the petitioner. That the petitioner has replied to the authorities stating that the Labour Superintendent, Patna was already seized of the matter and the parallel proceedings are



unwarranted. However, the authorities with the *mala fide* intentions have gone ahead with the enquiry. That the authorities without awaiting the outcome of the matter which was already seized by the Labour Superintendent have issued a Memo No. 1767 dated 09.03.2022 alleging violation of the Minimum Wages Act, 1948, why the petitioner should not be blacklisted and calling upon him to submit his explanation. To the said memo, the petitioner has given his reply stating that three days' time given to file his explanation was not sufficient and sought some more time. In the meanwhile, the Labour Superintendent, Patna vide Memo No. 536 dated 14.03.2022 in his enquiry has found that there are no violations of any labour laws by the petitioner. However, the Patna Medical College Hospital authorities have gone ahead with their enquiry and came to the conclusion that the petitioner has violated the labour laws and the Minimum Wages Act, 1948. That the respondent-authorities issued show cause notice containing Memo No. 9302 dated 01.10.2022 alleging that the petitioner has been paid an excess amount of Rs. 2,03,89,587/- by submitting forged and fabricated invoices and sought his explanation, as to why an amount of Rs. 63,46,720/- pending against the invoices of January and February, 2022 and further two bank guarantee of Rs. 2,00,000/- each should not be adjusted or forfeited. Though the



petitioner has replied to the above said show cause notice on 12.10.2022, the authorities without taking the same into consideration has forfeited two bank guarantees of Rs. 2,00,000/- and adjusted Rs. 63,46,720/-. That the petitioner has challenged the said memo by way of CWJC No. 1314 of 2023 and this Court vide order dated 28.03.2023 has granted liberty to the petitioner to move the Commercial Court under the Commercial Courts Act, 2015. That the petitioner thereafter has filed a commercial dispute suit bearing No. 13 of 2023 before the District Judge, Patna and the same has presently been transferred before the Additional District Judge-XVII, Patna and pending adjudication. Thereafter, the petitioner has received a notice dated 01.09.2023 from the certificate officer informing him that the certificate case has been instituted. The said certificate case is numbered as 02 of 2022-23. That on the enquiry, the petitioner found that the respondent Patna Medical College had sent a requisition for initiating the certificate case for recovery of an amount of Rs. 1,30,93,440/-. Learned counsel has stated that the respondent-authorities instead of awaiting the outcome of the case filed before the Commercial Court, Patna have initiated the certificate proceedings only with the *mala fide* intention. Learned counsel has therefore, prayed this



Hon'ble Court to quash the certificate proceedings initiated by the respondent authorities.

4. *Per contra*, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner was initially granted two contracts one for trolley services and another for house keeping and the petitioner instead of employing separate persons for two different categories of work has employed the same workers. That the authorities on coming to know about the same, have initiated necessary action against the petitioner. The authority duly taking into account all the facts and circumstances and the evidence on record, have come to the conclusion that that the petitioner has been paid excessive amounts on the basis of false and inflated invoices. Learned counsel has stated that the order which has been passed by the authorities though challenged by the petitioner has not been interfered by this Hon'ble Court and even the SLP filed by the petitioner before the Hon'ble Supreme Court also stood dismissed. That the petitioner has made a representation pursuant to the order of the SLA (C) No. 13611 of 2023 and the same has been rejected *vide* order dated 28.07.2023. Learned counsel has stated that though the petitioner has approached the Commercial Court seeking to set aside the



order dated 20.10.2022 whereby an amount of Rs. 1,30,93,440/- has been directed to be returned to the official respondents, till date no stay has been granted by the said Commercial Court. Learned counsel has stated that in the absence of any stay by the Commercial Court, the authorities are well within their rights to seek recovery of the above said amount and therefore, initiated the certificate proceedings before the competent authority. Learned counsel has therefore, prayed this Court to dismiss the present writ petition.

5. The only issue in the present writ petition is as to whether the authorities were right in initiating the certificate proceedings against the writ petitioner herein when the Commercial Court is seized of the matter.

6. Admittedly in this case, the petitioner has approached the Commercial Court pursuant to the order of this Court in CWJC No. 1314 of 2023 dated 28.03.2024 and the same is pending adjudication. This Court is of the opinion that the initiation of the certificate proceedings to recover an amount of Rs. 1,30,93,440/- which is alleged to have been excessively paid to the petitioner is not legally sustainable. Once the Commercial Court is seized of the matter, the respondents authorities who are party respondents in the said case ought to have awaited the result of the said case.



The Commercial Court after evidence is led by both the parties and after due deliberations will give its findings and in case the stand of the petitioner is negatived, the officials will have every right to initiate the certificate proceedings against the petitioner for recovery of the amount.

7. Having regard to the above, this Court is of the opinion that the ends of justice would be met if the certificate proceedings initiated by the respondents is quashed for the present. However, liberty is granted to the respondents to initiate fresh certificate proceedings in case the Commercial Court Case No. 02/2022-23 filed by the petitioner is dismissed and the order is against him. The apprehension expressed by the learned counsel for the respondent-authorities that the decision of the Commercial Court may take years together and therefore, a direction may be given to the Commercial Court, Patna to dispose of the said case as expeditiously as possible is accepted. The Commercial Court is directed to dispose of the case as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order. It is also made clear that that the petitioner as well as the respondent herein shall cooperate for the final disposal of the case. In case the petitioner does not cooperate for the early



disposal of the case, the Commercial Court is free to pass necessary orders strictly in accordance with law.

8. With the above direction, the present writ petition stands allowed to the extend indicated above.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.07.2025.
Transmission Date	NA

