

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7116 of 2024

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R.K. Trader through its proprietor Rajeev Ranjan Kumar, age about 38 years (Male), Son of Pradeep Kumar Srivastava @ Pradeep Kumar, Resident of Mohalla- Daroga Tola, Motihari, P.S.- Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Govt. of Bihar, Patna.
2. The Director in Chief, Health Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Health Department, Govt. of Bihar, Patna.
4. The Principal, Govt. Medical College, Bettiah, District- West Champaran.
5. The Purchasing Committee, Govt. Medical College, Bettiah, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.
For the Respondent/s : Mr. Government Advocate 2

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

Date : 07-10-2025

Heard the learned counsel for the parties.

2. This writ petition has been filed for the following relief(s):-

“i) For issuance of a writ in the nature of mandamus directing and commanding the respondents authority to pay Rs. 9,16,020.20 (Nine Lakh Sixteen Thousand Twenty and Twenty Paise) of Supplied Laboratory Material dated 25.05.2021 vide invoice bill no. 03 & 05 and dated 25.05.2021 vide invoice bill no. 08 and dated 08.06.2021 vide Invoice Bill No. 09 by the petitioner to the Govt. Medical College, Bettiah against the supply order vide letter No. 639 dated



24.04.2021 and supply order vide letter No. 666 dated 01.05.2021 respectively.

ii) For issuance of inappropriate writ/writs, order/orders, direction/directions to pay the aforesaid amount with appropriate rate of interest on with hold amount till the date of payment.

iii) To grant any other relief/reliefs, direction/directions, order/orders for which the petitioner is entitled under facts and circumstances of the case as well as on law.”

3. It is the case of the petitioner that during Covid- 19 Pandemic the petitioner was directed to supply the necessary laboratory material to the Government Medical College, Bettiah, District- West Champaran. Thereafter the petitioner has submitted the invoice bills pertaining to the above supply however the authorities are yet to make payment for the material supplied by the petitioner. Learned counsel has submitted that though the petitioner has been running from pillar to post for the payment of the above amounts, the authorities have till date not taken any steps to pay the same. Learned counsel for the petitioner has, therefore, prayed this Hon'ble Court to allow the present writ petition and direct the respondent authorities to make the necessary payments of the bills for which supplies have already been made.



4. In the counter affidavit filed by the Respondent No. 4 i.e. the Professor and Head of the Biochemistry Department, Govt. Medical College, Bettiah, the fact that the petitioner has supplied the necessary laboratory material and also the necessary kits has not been denied. As a matter of fact, the respondents have stated that the four vouchers of the petitioner for the financial year 2021-22 reveals that they have been signed and stamped by the then Incharge of the store and Bursar of account section. The vouchers were signed by the Bill Clerk, Accountant but not signed by the then Principal. That on further enquiry it came to light that these material were supplied during the Covid- 19 pandemic situation and the necessary payments should be made from the allotment of funds meant for the Covid-19 fund only. That on the instructions of the higher officer, the unused amount of Covid-19 fund was returned on 30.08.2023 and therefore the payment against the bills submitted by the petitioner can only be made after fresh allotment of the funds. That a letter to that effect has been sent to the Health Department vide letter no. 560 dated 31.10.2023. Further, it is stated that a fresh reminder letter bearing no. 1233 dated 30.08.2024 has also been sent for allotment of the funds for clearing the pending vouchers. That the authority are yet to receive the allotment. Further in the counter affidavit it is stated as under :



“11. That since the Purchase Committee has been made party (Serial no.-05) the matter was discussed in meeting of Purchase Committee on 14.10.2024 and it was decided that though Finance Department guidelines had not been followed in purchase procedure (viz. total purchase of items for Biochemistry department was given for the rupees 11,55 302 40/ through orders no-666,667, 668 all dated-01.05.2021; so tender process should be done and not the quotation process; also tender process should have been done for the purchase of items of rupees 13,69,285.32/- related to management of Covid 19) since all the purchased items have been received and utilized without any fallacy, by Biochemistry department, the vouchers related to the purchase of items meant for Biochemistry department (viz order no-666 dt 01.05.2021 for rupees 4,42,411.20/- to RK Traders; 667 dt-01.05.2021 of rupees 3,75,844.00/-to Northern scientific and 668 dt-01.05.2021 of rupees 3,37,047.20/-) should be made and rest purchase of rupees 13,68,400.52/-, related to management of Covid should be made after the receipt of extra allotment from the Health Department.

12. That therefore, the bill related to voucher no-08 dt-24.05.2021 of rupees 4,42,411.20/-of R. K. Traders was sent to, and later, passed by the treasury after deducting GST the and amount was paid to R. K. Traders on 05.11.2024 vide UTR No RBI3112422268118. Rest rupees 4,72,724/- of R. K. traders will be paid only upon the receipt of separate allotment (as well as permission of doing so) for such payment by the Health Dept, in light of improper purchase procedure.

13 . That in April-2021, Quotation was published by this institution vide letter no-541 dt-



06.04.2021 for the purchase of the item related management of to Covid-19 for the department of central pathology and Biochemistry' Dept. Three Quotation were received, viz. Ms. Northern scientific, Ms. SS Enterprises and Ms. RK Traders; the Proprietor were member of same family (Father, Mother and Son). In Purchase Committee meeting, held on 16.04.2021, different item were made LI among these agencies and on 24.04.2021 by order no-638. SS Enterprises was assigned to supply items of total rupees 4,26,160.00/-by order no-639, Traders was assigned to supply items of rupees 4,77,367.00/- and by order no-640, Northern scientific was assigned to supply the item the of rupees 4,69,516.32/-. Thus purchase of total rupees 13,73,043.32/- was ordered to three member of a family via quotation process and not via the tender process.”

5. In the supplementary counter affidavit, the authorities have stated as under:

“9. That the statement made in paragraph No. 7 and 8 of the rejoinder it is stated that as soon as the allotment and direction to pay the amount is received from the department, the due amount will be paid.”

6. Having regard to the above made submissions and also the admissions by the respondent authority in the counter affidavit, this Court deems it fit and proper to allow the present writ petition with a direction to the Respondent No. 2 to take necessary steps for allotting the required funds to the Respondent



no. 4 so as to enable the Respondent No. 4 to clear the outstanding bills of the petitioner. The authorities shall endeavour to allot the necessary funds as expeditiously as possible preferably within a period of six weeks from the date of receipt of the copy of this order. Once the necessary funds are allotted to the Respondent No. 4, the Respondent No. 4 shall immediately clear the outstanding dues of the petitioner as expeditiously as possible preferably within a period of four weeks thereof.

7. The present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

Gauravkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.10.2025
Transmission Date	N/A

