

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9489 of 2017

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Suman Prasad Srivastav S/o Late Nathuni Lal R/o Muhalla-Housing Colony,
M I G-4, Chandwa, P.S.-Ara, Nawada, District-Bhojpur at Ara

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Education Department,
Government of Bihar, Patna
2. District Magistrate, Bhojpur at Ara
3. District Education Officer, Bhojpur at Ara
4. The Executive Engineer, Shiksha Pariyojna, Bhojpur at Ara
5. Principal, Rajkiya Kanya Vidyalaya, Ara, P.S.-Ara, Nawada, District-
Bhojpur at Ara

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Kumar Roy, Advocate
For the Respondent/s	:	Mr. S.C. Mishra- SC16
For BEPC	:	Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 14-05-2025

1. The Writ petition has been preferred for issuance of direction to the respondents for payment of the bill amounting to Rs.56,000/- along with interest in connection with the repair, painting, and washing work carried out by the petitioner at Rajkiya Kanya High School, Ara, as per the directions of the respondent authorities, in the year 2012 and for any other relief/reliefs, which the petitioner may be found entitled.

2. The key facts derived from the petition



are that the petitioner was authorized to do repairs, color painting, and washing of the building of *Rajkiya Kanya Vidyalaya, Ara*, at the lowest rate. The said work was authorized by the Vidyalaya Management Committee, chaired by the District Magistrate, Bhojpur, and District Education Officer (DEO), Bhojpur, as Secretary. The petitioner completed the assigned work to the full satisfaction of the concerned authorities within the stipulated time.

3. It is submitted by the petitioner that the measurement of the completed work was estimated as 19232.62 sq. ft., verified and certified by the Executive Engineer, Shiksha Pariyojana, and measurement report was submitted by the Junior Engineer to the DEO's office vide Letter No. 6517 dated 27-11-2012. The petitioner duly submitted a bill of Rs.1,56,000/- to the Principal and the Vidyalaya Management Committee. The DEO, Bhojpur, issued directions to the Principal vide Letter No. 33 dated 05-01-2013, for payments to the petitioner.



4. It is further submitted on behalf of the petitioner that the Principal, through a letter dated 11-01-2013, informed the petitioner that the bill would be cleared by 31-01-2013. Subsequently, Rs.99,990/- was paid vide Letter No. 72 dated 02-02-2013 and the remaining amount of Rs.56,000/- was assured to be paid after further approval.

5. It is submitted by the Learned counsel for the petitioner that despite repeated oral and written requests, including an application dated 10-09-2013 and a registered postal communication dated 14-09-2013, the outstanding amount remained unpaid. Thereafter, a legal notice was sent on 18-06-2015, followed by two representations dated 23-01-2017 and 11-02-2017, requesting for immediate payment stating that deteriorating physical and financial condition of the petitioner.

6. It is further submitted that the petitioner is constrained to file the Writ petition due to illegal and arbitrary actions of the respondent, which are violative of Articles 14 and 21 of the Constitution



of India.

8. A detailed counter affidavit was filed by 5th Respondent.

9. At the outset, the respondent submitted in his counter affidavit that the petitioner's claim is not maintainable in a writ proceeding, as it pertains to a *disputed* and *unadmitted amount*. Therefore, the petitioner should pursue appropriate remedy before a competent civil court.

10. It is submitted on behalf of the respondent No. 5 that the work of whitewashing and colouring the school building was approved by the School Managing Committee, chaired by the District Magistrate, Bhojpur. The work was sanctioned from the School Development Fund with a budgetary limit of Rs.1,00,000/-. In accordance with the decision, a notice dated 15.05.2012 was published on the school's notice board inviting quotations, explicitly stating that the work must be completed within Rs.1,00,000/-. Three contractors applied, and the petitioner was awarded with the work being the lowest bidder.



11. It is submitted by the Learned counsel for the respondent that the petitioner commenced work but later stopped, claiming that work worth Rs.1,00,000/- had been completed. However, the respondent states that as per the terms of the notice, the entire scope of work had to be completed within the Rs.1,00,000/- limit. Despite agreeing to the budget, the petitioner claimed Rs.1,53,860/- at the rate of Rs.8 per sq. ft., after measurement of 19,232.62 sq. ft., which was verified under the DEO's direction.

12. It is further contended in the counter affidavit that a review by the School Managing Committee reveals that the outer walls, which were part of the contract, had not been painted. Some completed work was unsatisfactory and the measurements include uncompleted areas. Consequently, it was decided to release the sanctioned amount of Rs.99,990/- to the petitioner with a condition that he would complete the remaining and substandard work. This payment was made vide Letter No. 72 dated 02.02.2013.



The petitioner failed to complete the remaining work, despite receiving payment under conditional approval and continues to claim additional funds contrary to the agreed terms. The petitioner also filed Complaint Case No. 339C/2013 before the Chief Judicial Magistrate, Bhojpur, against the then In-Charge Headmistress, which is still pending.

13. The Learned counsel for the respondent submitted that in light of these facts, the respondent contends that the petitioner's claim is baseless, unjustified, and contrary to agreed terms, and therefore, the writ petition is liable to be dismissed.

14. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

15. Upon perusal of the facts and circumstances of the case, it appears that the reliefs prayed for in the writ petition pertain to a disputed and unadmitted amount. The respondent authorities have contested the petitioner's claim, and the dispute involves factual issues which



require detailed examination.

16. This Court is of the considered view that such factual disputes cannot be adjudicated in a writ proceeding under Article 226 of the Constitution of India. If the petitioner is aggrieved, he is at liberty to pursue his remedy before an appropriate forum by instituting a civil suit for recovery of the claimed amount. The petitioner may raise all relevant contentions before the competent civil court. This Court also finds that no fundamental rights of the petitioner have been violated or infringed.

17. Accordingly, the writ petition is dismissed as devoid of merits.

18. Interlocutory Application(s), if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2025
Transmission Date	

