

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17191 of 2023

Om Sai Services, through its Proprietor namely Shyam Babu Giri, Male, aged about 40 years, Son of Om Prakash Giri, Office Address- Sarswati Nagar, Barwat Pasrain, Bettiah, West Champaran, Bihar- 845438, Resident at present Gahiri Kothi, Ward No.-3, Victoria Mission, P.S.- Gahiri, Victoria Mission, District - West Champaran, Bihar- 845459.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. The Principal, Rajkiya Medical College, West Champaran, at Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Muskan Singh, Adv.
For the Respondent/s : Mr. Nagendra Prasad Yadav (Sc 23)

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

Date : 26-03-2025

Heard the learned counsel for the parties.

The present writ petition has been filed for the following

relief(s):-

“i. For issuance of writ in the nature of mandamus directing and commanding upon the respondent authorities for make payment of Rs. 27,56,500/- for sanitization of medical college campus like Principal Office, Residence, different department and hostels which was done by the petitioner's firm.

ii. For issuance of writ in the nature of mandamus directing and commanding upon the respondents to consider the claim and grievance of the petitioner as petitioner has completed all the work of sanitization as directed by the Principal, Medical College, Bettiah at West Champaran vide Memo No.-990 dated 12.05.2020.



iii. For issuance of any other writ/ writs, order/ orders, direction/ directions which may be deem fit and proper in the facts and circumstances of the case.”

3. It is the case of the petitioner that he was given the work of sanitization of the medical college/ hospital during the Covid-19 Pandemic. That as part of the work entrusted to the petitioner, he was directed to sanitize the entire Government Medical College Campus including the rooms, hostels, corridors, surrounding areas for which the work order was issued. To ensure that the work is effectively done, the petitioner has deployed two vehicles on each Monday and Wednesday every week and successfully completed the sanitization without any complaint from any quarter.

4. Learned counsel appearing on behalf of the petitioner has stated that the petitioner has continued the work during the first phase of Covid-19 Pandemic as well as in the second phase and submitted the bills for the work done. However, the authorities for reasons best known to them have not been paying the bill amounts due to the petitioner till date. Learned counsel has stated that the petitioner left with no other alternative remedy has approached this Hon'ble Court by way of the present writ petition and prayed for allowing the same and consequently direct the



respondents to pay the amounts due to the petitioner for work done.

5. *Per contra*, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition and stated that the petitioner was entrusted with the work of sanitization for the first phase of Covid only and for that purpose he was directed to deploy one vehicle on Monday and Wednesday but the petitioner without any authority contrary to the work order has deployed two vehicles. Further, it is stated that the work order issued in favour of the petitioner was only for the first phase of Covid-19 Pandemic i.e., from 13.05.2020 to 31.08.2020 and there was no work order issued in favour of the petitioner for the second phase of Covid-19 Pandemic. Further, it is stated that the authorities are willing to pay the amount for the work done during the first phase of counseling for one vehicle only. Learned counsel has therefore, prayed this Hon'ble Court to pass orders accordingly.

6. A perusal of the documents filed by both the petitioner as well as the respondents reveal that the petitioner has been entrusted the work of sanitization for the entire office, hostels, corridors, wards of Government Medical Medical College, Bettiah, West Champaran and to this effect an order vide Memo No. 990



dated 12.05.2020 was issued. As per the terms and conditions of the said work order, the petitioner was directed to deploy one vehicle on Monday and one vehicle on Wednesday and he was directed to spray 1000 litres of chemical and medicine and the amount payable to the petitioner was fixed at Rs. 7450/-. There is no denial by the respondents that the petitioner has not done the work nor there is any complaint that the quality of the work done was poor, the only contentious issue between the parties is that the petitioner has deployed two vehicles for the period 13.05.2020 to 31.08.2020 and also during the second phase of Covid-19 Pandemic from 01.03.2021 to 29.07.2021 without there being any work order issued for the second phase of Covid-19 Pandemic.

7. A perusal of the documents reveal that the work order issued in favour of the petitioner was to deploy only one vehicle on Monday and Wednesday, the order is not clear as to whether the same is confined only to the first phase of Covid-19 Pandemic or not. There is no denying the fact that the petitioner has deployed two vehicles for the second phase of Covid-19 Pandemic. It is highly unlikely that the entire staff of the GMC, Bettiah, West Champaran right from the ward boy to the concerned superintendent of the hospital have kept quite when the above work of sanitization was being undertaken by the petitioner and



there is no whisper or protest by any of the authorities of the GMC, Bettiah, West Champaran when the work was being undertaken by the petitioner herein during the second phase of Covid-19 Pandemic, the authorities having availed the services of the petitioner cannot now deny the payments to the petitioner. Furthermore, it is to be noted that the second phase of Covid-19 Pandemic was more severe than the first phase of Covid-19 Pandemic and therefore, the contention taken by the authorities that they did not issue any work in favour of the petitioner for the second phase of counseling is not correct.

8. Having regard to the fact that the work order issued to the petitioner is very clear and the petitioner was asked to deploy only one vehicle on Monday and Wednesday, this Court is of the opinion that the ends of justice would be met if a direction is given to the competent authority to calculate the amount payable for one vehicle for the period 13.05.2020 to 31.08.2020 and also for the period of 01.03.2021 till 29.07.2021 by fixing a time frame. Accordingly, there shall be a direction to the respondent No. 03 to calculate the amount payable to the petitioner for one vehicle for the period 13.05.2020 to 31.08.2020 and also 01.03.2021 to 29.07.2021 and pay the same as expeditiously as possible



preferably within a period of eight weeks from the date of receipt of a copy of this order.

9. The present writ petition is partly allowed accordingly.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.04.2025.
Transmission Date	NA

