

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8578 of 2025

Manoj Kumar Tripathi, S/O Krishnamurari Tripathi, R/O Village plus P.O.-
Ramshar, Pin Code- 802311, P.S.- Barhara, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar, Through, The Secretary, Rural Works Department, Govt. of Bihar, Vishwaswraiya Bhawan, Baily Road, Patna.
2. The Engineer in Chief, Rural Works Department, Govt. of Bihar, Vishwaswraiya Bhawan, Baily Road, Patna.
3. The Chief Engineer, Rural Works Department. Govt. of Bihar, Vishwaswraia Bhawan, Baily Road, Patna.
4. The Superintending Engineer, Rural Works Department, Work Circle- Ara, District Bhojpur, Govt. of Bihar.
5. The Executive Engineer, Rural Works Department, Works Division - Jagdishpur and Ara, District- Bhjpur, Govt. of Bihar.
6. The Executive Engineer, Rural Works Department, Works Division Ara, District-Bhjpur, Govt. of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Pandey
For the Respondent/s : Mr.Addl. Advocate General 04

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

4 23-06-2026 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following relief(s):-

*“(i) To issue a appropriate writ / order
direction in the Nature of Mandamus for direction to the
Respondent Authorities to release the total payment of
the petitioner to the tune of Rs. 33,26,852/
(Rs.5,17,944+Rs.5,02,111+Rs.2,84,950+4,82,871+1,81,
918+13,57,058) along with interest thereon for the
restoration work done in the year 2021-22 of the eight
damaged roads (1. Kokila (To3) to Ugnapath, (MB No.
876-A) 2. Koilwar Prakhand Durjanchak to Agarpura,
(MB No-3753/2020-21), 3. Harihar to Chamarpur, (MB
No-896) 4. Tenduni to Haridya, (MB No-878-A) 5.
Hariharpur to Bemari, (MB No-877-A) 6. Garhani*



Agiaon Road 6 km Agiaon Sub-Division Pawna Gram SH-12 Ara Sahar Road, (MB No-3855) due to flood in Work Division, Jagdishpur and Ara and Ara Rural Works Department, Govt. of Bihar.

(ii) To hold and declare that the petitioner is eligible to receive the payment to the tune of Rs Rs. 33,26,852/-for the restoration work done by the petitioner in the year 2020-21 and 2021-22 of the damaged roads (1.Kokila (To3) to Ugnapath, (MB No-876-A) 2. Koilwar Prakhand Durjanchak to Agarpura, (MB No-3753/2020-21), 3. Harihar to Chamarpur, (MB No-896) 4. Tenduni to Hardiya, (MB No-878-A) 5. Hariharpur to Bemari, (MB No-877-A) 6.Garhani Agiaon Road 6 km Agiaon Sub-Division Pawna Gram SH-12 Ara Sahar Road, (MB No-3855)) due to flood in the Work Division, Jagdishpur and Ara, Rural Works Department, Govt. of Bihar.

(iii) To hold and declare that also in terms of Section 70 of Contracts Act, 1872 the claim of the petitioner is liable to be allowed and that action of the Respondent Authorities is contrary to the same.

(iv) To hold and declare that the action/inaction of the Respondents authorities in not making payment to the petitioner for the restoration work done in the year 2020-21 and 2021-22 of the damaged road (1.Kokila (T03) to Ugnapath, (MB No-876-A) 2. Koilwar Prakhand Durjanchak to Agarpura, (MB No-3753/2020-21), 3. Harihar to Chamarpur, (MB No-896) 4. Tenduni to Hardiya, (MB No-878-A) 5. Hariharpur to Bemari, (MB No-877-A) 6.Garhani Agiaon Road 6 km Agiaon Sub-Division Pawna Gram SH-12 Ara Sahar Road, (MB No-3855)) due to flood in the Work Division, Jagdishpur and Ara, Rural Works Department, Govt. of Bihar is unjust, arbitrary, malafide and perverse.

(v) To hold and declare that the action /inaction of the respondent authorities in not making payment to the petitioner for the work done in the year 2020-21 and 2021-22 for the restoration work of the damaged road (1.Kokila (To3) to Ugnapath, (MB No-876-A) 2. Koilwar Prakhand Durjanchak to Agarpura, (MB No-3753/2020-21), 3. Harihar to Chamarpur, (MB No-896) 4. Tenduni to Hardiya, (MB No-878-A) 5. Hariharpur to Bemari, (MB No-877-A) 6.Garhani Agiaon Road 6 km Agiaon Sub-Division Pawna Gram SH-12 Ara Sahar Road, (MB No-3855)) due to flood in the Work Division, Jagdishpur and Ara, Rural Works Department, Govt. of Bihar is violative of Article 14, 19(1)(g) and 21 of the Constitution of India.

(vi) To hold and declare that the respondent authorities are duty bound to make payment for the



restoration work done by petitioner in Work Division, Jagdishpur and Ara, Rural Works Department, Govt. of Bihar in the year 2020-21 and 2020-21 and 2021-22 in accordance with the direction of the Respondent No. 5

(vii) To any other relief / reliefs for which the petitioner is found to be entitled in the fact and circumstances of the case.”

3. In the counter-affidavit filed by the respondent Nos. 2 to 6, at Para Nos. 7 to 10, it stated as under;

“7. That the grievance of the petitioner is that the petitioner has completed the work in time and after completion of work the payment has not been made to him.

8. That at the outset it is very humbly submitted that the aforesaid grievance of the petitioner is not correct and genuine as the fact remains that the petitioner has never been allotted the work as claimed by her.

9. That it would be relevant to mention here that there is provision for uploading the requisite papers/ documents such as approved estimate, measurement book, enquiry report and Geo Tag Photograph etc. in the Action Taken Section for the FDR Module relating to execution of FDR Work.

10. That so far as the plead of the petitioner in support of his claim that the measurement book has been prepared by the authorities concerned against the executed work is concerned, it is very humbly submitted in this respect that as the said FDR work has been executed by the department itself and the measurement book has been issued in the name of the concerned Assistant Engineer, Rural Works Department, of concerned Works Sub-Division as is evident from measurement book itself.”

4. Learned counsel appearing on behalf of the petitioner has drawn the attention of the Court to the measurement book filed along with the writ petition wherein the name of the work done and the name of the person who has



executed the work has been mentioned at Page No. 30. Further, Learned counsel has also drawn the attention of the Court to the signatures on the measurement book by the Assistant Engineers and also the photographs annexed along with the writ petition. Learned counsel has submitted that the Chief Engineer may be directed to verify with the Assistant Engineer who were working with the Department as of July, 2024 and who have signed the measurement book to verify as to whether the work has been done by the petitioner or the same has been done through the Department only by fixing a time-frame.

5. Having regard to the above made submissions and also duly taking into consideration the signatures on the measurement book, this Court is of the opinion that it would be expedient and in the interest of justice to direct the Chief Engineer (i.e., respondent No. 3 herein) to verify with the Assistant Engineers who were working with the Department as of July, 2024 and find out whether the work has been completed by the Department or through the petitioner and take such steps as may be necessary for resolving the issue between the parties. Any decision taken by the Chief Engineer after examination of the Assistant Engineers who were working as of July, 2024 shall be communicated to the parties.



6. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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