
(2017) 01 JH CK 0192
In the Jharkhand High Court
Case No : 6261 of 2013

Karar Ahmad

APPELLANT

Vs

The State of Bihar (Now Jharkhand) & Ors

RESPONDENT

Date of Decision : 05-01-2017

Acts Referred:

Citation : (2017) 01 JH CK 0192

Hon'ble Judges : Aparesh Kumar Singh

Bench : SINGLE BENCH

Advocate : Ashutosh Anand, Saurav Arun, Vikash Kumar

Judgement

1. Heard learned counsel for the parties.
2. Petitioner claims to have executed work under agreement dated 15.4.2010(Annexure-1) entered into with the Jharkhand Education Project Council(J.E.P.C.) of 5% sample checking of DISE 2009-10 data of nearly 2150 schools of Jharkhand under the Sarva Siksha Abhiyan.
3. Petitioner through averments made in the writ petition has stated that the draft report and final report were submitted successively before the Respondent No.3 on 20.1.2011(Annexure-3) and 6.6.2012(Annexure-5) respectively. Other reports were also submitted in between. Despite submission of the reports in terms of the agreement, only the first installment of 25% of the budget for the proposed work has been released. Remaining second and final payment has not been released allegedly on the ground of lack of allotment of fund. Petitioner has to approach this Court after his representations, such as Annexure-8 and 9 respectively, failed to redress its grievance.
4. Learned counsel for the the Respondent, J.E.P.C submits that the claim of the petitioner hinges upon the agreement entered into between the parties and are subject to release of fund by the Central Government and the State Government, which are sponsoring bodies. Claim for execution of work is also to be scrutinized on merit before being accepted. There is no admission on the part of the J.E.P.C

of the execution of work. Petitioner may therefore be relegated to pursue the alternative statutory remedy or approach the competent Court where questions of fact can be determined.

5. Having considered the submission of the parties and the relevant material facts noticed herein above, this Court in exercise of writ jurisdiction is not inclined to enter into adjudication of the claim of the petitioner towards execution of work under the agreement in question as it may involve disputed questions of fact and interpretation of terms and conditions of the agreement as well. However, petitioner is allowed liberty to approach the Respondent no.3, State Project Director, JEPC, Ranchi for redressal of its grievances by way of fresh representation with all supporting facts and documents.

6. Needless to say that the competent authority / Respondent no. 3, State Project Director, JEPC, Ranchi would consider the same in accordance with law and on scrutiny of relevant record within reasonable time preferably 12 weeks from the date of receipt of the representation along with copy of the order. In case the claim of the petitioner is accepted, release of admissible amount be made thereafter, however subject to receipt of relevant allotment from the sponsoring bodies.

7. The writ petition is disposed of accordingly.