

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.813 of 2025

In
Civil Writ Jurisdiction Case No.17191 of 2023

=====

Om Sai Services through its Proprietor namely Shyam Babu Giri, Male, aged about 42 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.

... .. Appellant/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 Appellant/s : Mrs.Muskan Singh, Advocate
For the Respondent/s : Mr. S.D. Yadav, AAG-9
Mr. Anil Kr. Verma, AC to AAG-9

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-01-2026

This Letters Patent Appeal has been filed by the appellant Om Sai Services, challenging the judgment dated 26.03.2025, passed by the learned Single Judge in CWJC No. 17191 of 2023.

2. The writ petition was filed by the petitioner seeking the following reliefs:-

“1. i. For issuance of writ in the nature of mandamus directing and commanding upon the



respondent authorities for making 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.”

3. After issuance of notice, counter affidavit has been filed by the respondent no. 3, relevant paragraphs whereof are reproduced hereinbelow:-

“6. That pursuant to aforesaid, a meeting was held, presided by the Principal, Bettiah Medical College on 27.04.2020 in presence of all the Head of Departments and in the said meeting an unanimous decision has been taken for sanitizing office, different ward and hostel of departments, Medical College, Bettiah through 1000 liters chemical at the rate of 7450/-on Monday, Wednesday by way of one vehicle and a further decision has been taken that a work order can be issued with regard to aforesaid and the order will be effective only till lock down.

7. That pursuant to the aforesaid, vide Memo No. 990 dated 12.05.2020 issued under the signature of Principal, Medical College, Bettiah work order has been issued favour of the petitioner for sanitization of office, different departments, ward and hostel of Medical College, Bettiah through 1000 liters chemical at the rate of 7450/-on Monday, Wednesday by way



of one vehicle.

8. That the petitioner submitted the bill charging Rs. 14,900/- per day for sanitization since as per petitioner he performed the sanitization by using two vehicles between 13.05.2020 to 31.08.2020 which is against the mandate of the work order. As per work order the sanitization work was to be performed by one vehicle on each Monday and Wednesday till the period of lockdown.

9. That after the end of first lockdown in the year 2020 no fresh work order was issued in favour of the petitioner and the petitioner without any formal order by competent authority claimed to have performed the sanitization work by one vehicle between 01.03.2021 to 29.07.2021.

10. That despite being not paid for sanitization work between the period 13.05.2020 to 31.08.2020, the petitioner claimed to have performed the sanitization work by one vehicle between the period 01.03.2021 to 29.07.2021 though the special fund amounting to Rs. 4,83,20,790/- was available with the Principal, Medical College, Bettiah on 29.03.2021 which has been provided by the Health Department vide Letter No. 172 dated 20.07.2020, Letter No. 369 dated 24.12.2020, Letter No. 26 dated 23.02.2021 and Letter No. 800 dated 15.03.2021 specially to dispense in controlling the COVID-19 pandemic.

11. The petitioner never raised a claim before the then Principal, Medical College, Bettiah and the then Principal, Medical College, Bettiah was transferred on 21.09.2021 by the department and as such it is apparent that the petitioner has not raised any voucher during the tenure of the then Principal, Medical College, Bettiah.

12. That the Health Department, Govt. of Bihar



vide Letter No. 43 dated 13.01.2022 directed the Principal, Medical College, Bettiah to submit DC Bill and accordingly directed to refund the unused amount of the fund allotted for controlling COVID-19 and the same was refunded through Bank Draft dated 30.08.2023.

13. That the petitioner is entitled for payment of only such amount for sanitization of office, different departments, ward and hostel of Medical College, Bettiah for the period of lockdown for one vehicle for each Monday and Wednesday in a week in terms of work order.

14. That the respondent will calculate the admitted dues and send a requisition to the department to provide allotment for payment of admitted dues.”

4. A rejoinder affidavit has been filed wherein stand has been taken, relevant paragraphs whereof are as follows:-

“6. That though the statement made in paragraph No. 7 of the Counter Affidavit under reply is matter of record but it is humbly submitted that the work order did not reflect that it has been made effected only till lockdown in the year 2020. It is further submitted that no such condition was laid down in the work order and even the petitioner has not orally / written directed to stop the sanitizing work, hence, in ignorance of the decision of the meeting dated 27.04.2020 which has never been communicated to the petitioner, the petitioner bonafidely continued the work of sanitization.

7. That with regard to the statement made in paragraph No. 8 of the Counter Affidavit, it is



humbly submitted that the bills presented by the petitioner was duly signed by the BURSAR of Government Medical College, Bettiah as stipulated in the work order as such the respondent cannot deny the due payment to the petitioner on the ground that the petitioner has processed the sanitization work by two vehicles which is not stipulated in the work order.

8. That with regard to the statement made in paragraph No. 9 of the Counter Affidavit, it is humbly submitted that since no period was specified in the work order and the work order was never been cancelled as such the petitioner continued the sanitization work for the period between 01.03.2021 to 29.07.2021.”

9. That with regard to the statement made in paragraph no. 10 of the counter affidavit, it is humbly submitted that the petitioner was assured that his payment was in active consideration as such the petitioner continued to confirm sanitization work. So far the fund which has been made available by the Health Department to the Medical College, Bettiah, it is humbly submitted that the petitioner has no concern with the aforesaid fund since it is between the department and the authorities of Medical College, Bettiah.

10. That with regard to the statement made in paragraph no. 11 of the Counter Affidavit, it is humbly submitted that the petitioner has not raised the bills after much unexplained delay. The bills



submitted by the petitioner were duly authenticated by the BURSAR of Government Medical College, Bettiah which was a condition precedent for making payment as such the respondents cannot be allowed to get advantage of delay of few months in submitting the bills.”

5. A supplementary counter affidavit was also filed by the respondent no. 3, relevant paragraphs whereof are reproduced hereinbelow:-

“5. That prior to provide the calculation of due admitted it is humbly submitted that work order contained in Memo No. 990 dated 12.05.2020 stipulate that the petitioner has to submit three copies of bill in the office BURSAR accounts section and it has not been stated that the bill only signed by BURSAR will be accepted. The bill submitted by the petitioner didn't contain the signature of Bill Clerk and Accountant as such in absence of their signature the bills which only contains the signature of BURSAR is not acceptable.

6. That in the meeting of teacher council dated 27.04.2020 a unanimous decision has been taken that the work of sanitization will be effective only till lockdown and surprisingly the petitioner in absence of any fresh work order has performed the work of sanitization for the period 01.03.2021 to 29.07.2021.

7. That it is also humbly submitted that the petitioner has not raised any bill in the year 2020 and 2021 though the allotment was there and surprisingly making payment to his employees.

8. That the Principal Government Medical College, Bettiah requested the District Magistrate, West Champaran to provide the actual date of



revocation of lockdown in Bettiah and the response is still waited.

9. That the admissible amount to be paid to the petitioner is as follows:

May 2020 = 05 days

June 2020= 09 days

July 2020= 09 days

August 2020=09 days

Total: = 32 days

Hence the admitted due amount is $7,450 \times 32 = 2,38,400/-$.”

6. The learned Single Judge vide impugned judgment dated 26.03.2025 passed in CWJC No. 17191 of 2023 has been pleased to hold as follows:-

“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 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.”

7. The main contention raised by the learned counsel for the appellant by referring to Annexure-P/1 to this Letters Patent Appeal is that the work which was entrusted to the appellant could not have been done by utilizing one vehicle and since it was during COVID pandemic period, therefore the petitioner utilized two vehicles for performing the work, and therefore the prayer of the petitioner is genuine and the authorities should not have refused the petitioner to make payment for the work of sanitization of the medical college campus like Principal Office, residence, different departments and hostels etc. which was run by the petitioner's firm.

8. The learned counsel appearing for the State, however submits that the Government is ready and willing to make payment for the work done by the petitioner but there is nothing either in the work order or anywhere to show that two vehicles have been utilized by the petitioner's firm to carry out the work and moreover, it is basically a money claim and when disputed question of facts are involved, the petitioner is not entitled to get any relief in this Letters Patent Appeal. There is no dispute that



the Letters Patent Appeal is normally an intra-Court Appeal whereunder the Letters Patent Bench, sitting as a Court of Correction, corrects its own orders in exercise of the same jurisdiction as are vested in the Single Bench. In such appellate jurisdiction, the High Court exercises the power of correction of error and the Division Bench in Letters Patent Appeal should not disturb the finding of fact arrived at by the learned Single Judge unless it is shown to be based on no evidence, perverse, palpably unreasonable or inconsistent with any particular position in law. This scope of interference is within a narrow en-compass and we are of the view, after going through the impugned judgment that the appellant has not made out any case to show that the impugned judgment suffers from any perversity or illegality, and therefore, the same cannot be interfered with in this Letters Patent Appeal.

9. Accordingly, the Letters Patent Appeal stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Mohit Kumar Shah, J)

S.Sb/Ajay-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	21.01.2026
Transmission Date	N/A

