

Jimeddar Singh Vs. Information Technology

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Court : Jharkhand

Decided On : Jul-31-2013

Appellant : Jimeddar Singh

Respondent : information Technology

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P. (C) No. 764 of 2013 --- Jimeddar Singh --- --- --- Petitioner Versus The State of Jharkhand through Principal Secretary, Department of Information Technology, Government of Jharkhand & others --- --- --- Respondents --- CORAM: The Honble Mr. Justice Aparesh Kumar Singh For the Petitioner: Mr. Ashish Kr. Shekhar, Advocate For the State: Mr. Saket Kr. Upadhyay, JC to AAG --- 02/ 31.07.2013 Heard counsel for the parties.

2. The petitioner seeks allotment of Common Service Centre (Pragya Kendra) from the respondent no. 4- United Telecom Limited, Bangalore through its President which is a franchisee for running Common Service Centre in thirteen districts of Jharkhand.

3. According to him, he participated in an advertisement issued by the respondent no. 4 and also deposited certain money for allotment of Common Service Centre (Pragya Kendra) which is running in the district of Dhanbad and monitored by the respondent no.

4. However, the respondent no. 4 kept the petitioner waiting and in the meantime, allotment was made in favour of the respondent no. 6-Govind Krishna Verma. It is submitted that the Deputy Commissioner, Dhanbad is supposed to monitor the programme conducted by the franchisee (respondent no.

4) at various places in the district of Dhanbad. The petitioner has made representation before the Project Manager of respondent no. 4, but that has not been responded to.

4. Counsel for the respondent State, on the other hand, submits that the grievance raised by the petitioner is against the respondent no. 4 alone, therefore, the State or the Deputy Commissioner, Dhanbad is not the authority against whom the petitioner can agitate his cause of action in the present writ application.

5. Heard counsel for the parties. The facts of the case denote that the petitioner was interested in allotment of a Common Service Centre (Pragya Kendra) in Dhanbad for which advertisement was also issued by the respondent no. 4, as admitted by the petitioner and allotment letter dated 6th April 2008 (Annexure-4) was also issued in favour of the petitioner by the Director of the respondent company (respondent no. 4). Thereafter, the petitioner was not allowed to open the Common Service Centre (Pragya Kendra) and the same has been allotted to the respondent no. 6 - Govind Krishna Verma. In such circumstances therefore, the dispute raised in the present writ application is not directed against the State or its instrumentality, but is inter se private dispute between the petitioner and the respondent no. 4 which is a franchisee for execution of National E-Governance Programme in the district of Dhanbad. Therefore, the cause of action raised in the present writ application does not appear to be amenable to the writ jurisdiction. Accordingly, the writ petition

is dismissed. (Aparesh Kumar Singh, J) Ranjeet/

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