

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4862 of 2015

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Saryu Prasad, son of Late Bachal Prasad Resident of Ram Basawan Ray Ka Tola (Jataura), Police Station- Piro, District- Bhojpur.

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Department Primary Education, Patna
2. The Principal Secretary, Human Resources Department Primary Education, Patna
3. The District Magistrate, Bhojpur at Ara, Bhojpur
4. The District Education Officer (S.S.A.), Bhojpur at Ara, Bhojpur
5. The District Programme Officer, Bhojpur at Ara, Bhojpur.
6. The Block Development Officer, Block -Piro, District- Bhojpur.
7. The Block Education Officer, Block- Piro, District- Bhojpur.
8. The Headmaster Incharge, Primary School, Basaya, Block- Piro, District- Bhojpur.
9. The Headmaster Incharge, Primary School, Kaser, Block- Piro, District- Bhojpur.
10. The Assistant Engineer (S.S.A.), D.E.O., Officer, Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath, Advocate.

For the Respondent/s : Mr. Sanjay Pandey, GP- 21

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 16-04-2015 Heard learned counsel for the parties as with regard to
the following relief prayed in this writ application:

*".... Commanding the respondents to pay the entire
post retiral dues of the petitioner after issuing no dues
certificate to the petitioner"*

2. Learned counsel for the petitioner has submitted that
the petitioner was entrusted certain construction work on two
places for which he has already submitted accounts and had also
deposited necessary amount on 22.08.2014. In this regard, he has



invited attention of this Court to the representations of the petitioner dated 17.02.2014 and 18.09.2014 that the amount of recovery to the tune of Rs. 1,04,030/- was also paid by him but even then the No Dues Certificate was not being granted, as a result whereof, the petitioner stands retrieved of his payment of post retiral dues.

3. In the considered opinion of this Court, the matter is one plain and simple of accounting. The petitioner claims that he had been given certain amount for construction of building and he again claims that he has accounted for the amount advanced to him as also has deposited the amount of Rs. 1,04,030/-.

4. Since the matter relates to issuance of No Dues Certificate with regard to utilization of the building fund, this Court would direct the District Education Officer, Bhojpur to examine the claim of the petitioner and if it is found that no further amount is payable by the petitioner towards the advance taken by the petitioner for construction of building and/or any other amount in his custody, No Dues Certificate to the petitioner shall be issued within a period of one month from the date of filing of the representation by the petitioner enclosing a copy of this order.

5. If the District Education Officer, on the other hand, finds some more amount to be payable, he will, in the same period

of one month, inform the petitioner to make such further payment
whereafter upon its payment by the petitioner, the No Dues
Certificate shall be issued to him forthwith. If the petitioner
produces such No Dues Certificate before the Treasury Officer,
the payment of post retiral benefits, as already sanctioned and
authorized by the office of the Accountant General, shall be paid
to the petitioner without any further delay.

6. With the aforementioned observation and direction,
this writ application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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