

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10356 of 2015

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Suresh Kumar Mishra, son of late Fekan Mishra, resident of Village- Bina Babhangama, P.S.- Supaul, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Regional Deputy Director, Koshi Division, Saharsa.
5. The District Education Officer, Saharsa, District- Saharsa.
6. The District Programme Officer (Establishment), Saharsa, District- Saharsa
7. The District Programme Officer (Sarv Shiksha Abhiyan), Saharsa, District- Saharsa.
8. The Block Education Officer, Sattar Kataiya, District- Saharsa
9. The Junior Engineer (Sarv Shiksha Abhiyan), Block- Sattar Kataiya, District- Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate.

For the Respondent/s : Mr. Kumar Manish- SC21

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 29-07-2015 Heard learned counsel for the parties as with regard to the following prayer made in this writ application:

"1. for direction to respondents for measuring the constructed building in Utkramit Middle School, Kumharaghat, Sattar Kataiya in the year 2006-07 and for submitting reports, after due measurement, without measurement of the constructed building of the school by petitioner, respondent authority have taken step for recovery of the advise money Rs. 6,00,000/- when ever petitioner has been constructed building of the school as advance Rs. 6,00,000/- in due time in the year 2009-2010 but respondent authority has not been measured the aforesaid building in the result, petitioner is suffering for recovery of said amount, stopped payment of salary and departmental proceeding without any clausable reasons and further issue direction to respondents measured the building and for submission of M.B. of constructed building of the school by petitioner before the authorities and thereafter take any final decision and further issued direction to respondents grant other consequential benefits to the petitioner."

2. The admitted position is that a departmental proceeding as well as a criminal case is pending against the petitioner. This Court therefore would not like to say anything more except that if the measurement of the work, being claimed to have been completed by the petitioner, has not been done as yet the same can be done without prejudice to the aforesaid subjudice matters before the court. In that view of the matter let the competent authority take a decision within a period of four months from the date of receipt of a copy of this order which would not prejudice any party in the pending departmental proceeding and the criminal case.

3. This order infact is being passed only on account of over insistence of the learned counsel for the petitioner that the petitioner is ready to pay the differential amount i.e. whatever amount is found payable by him after accounting for utilization of fund for construction of the building in course as may stand verified from measurement to be made by the competent authority.

4. With the aforementioned observation, this writ application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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