

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18402 of 2012

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Dr. (Smt.) Pramila Kumari, Wife Of Sri Satguru Prasad, Permanent Resident Of
MIG 32, Anugrahpuri Chanakyapuri Colony, Gaya, PO and PS-Gaya,
District/Town-Gaya

.... Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Human Resources Development Department, Patna
2. The Magadh University through its Registrar, Bodh Gaya, Gaya
3. The Vice-Chancellor, Magadh University, Bodh Gaya, Gaya
4. The Principal, Gautam Buddha Mahila College (G.B.M. College), Gaya
5. The Bursar, Gautam Buddha Mahila College, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 01-10-2015

Heard learned counsel for the parties.

Pursuant to order dated 03.09.2015 directing for an
exercise to be undertaken by the College, the University and the State
Auditor with regard to the claim of the petitioner head-wise, the same

appears to have been carried out.

Supplementary counter affidavit has also been filed on behalf of the Magadh University and also on behalf of the respondent no. 1. From the materials on record it transpires that the authorities have gone into the exercise of reconciling the amounts paid to the petitioner *vis a vis* his entitlement and, according to them, the petitioner has been paid Rs. 18,20,975/- whereas she was entitled to Rs. 17,17,168/- and thus an amount of Rs. 1,03,807/- has been paid in excess of the admissible dues.

Learned counsel for the petitioner submits that the petitioner was nowhere involved in the payments made to her and in fact rarely she was paid the full salary at any point of time and thus she having retired in the year 2009 and the so called discrepancy being pointed out only in the year 2015, there cannot be recovery relating to the period 1988 to 2009. Learned counsel relies upon a decision of the Hon'ble Supreme Court in the case of **State of Punjab v. Rafiq Masih** reported in **(2015) 4 SCC 334** for the proposition that the petitioner not furnishing any factually incorrect information or fault or misrepresentation and having retired, no recovery can be made for a period so far back in time.

Learned counsel for the respondents submit that as payments were made on an adhoc basis from time to time depending

on the grants received from the State Government, inadvertently the petitioner was paid excess amounts and only after final reconciliation pursuant to the direction of the Court, it has been detected that an amount of over rupees one lakh has been drawn in excess to the entitlement of the petitioner.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the submissions of learned counsel for the petitioner. The Court also finds that the decision of the Hon'ble Supreme Court of India relied upon by learned counsel for the petitioner, supports her contention.

Accordingly, it is held that no deduction/recovery/adjustment of Rs. 1,03,807/- can be made either from any due which is being paid or shall be payable to the petitioner in future.

The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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