

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15359 of 2008

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Mahendra Prasad Singh, son of late Bankey Bihari Singh, resident of village-
Rasalpur, P S – Bajpatii, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
2. Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
3. Director (Administration) cum Joint Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
4. The Budget Officer, H R D, Govt. Of Bihar, Patna.
5. The District Superintendent of Education, Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. GAJENDRA KUMAR JHA
Mr. Sushil Kumar Jha

For the Respondent/s : Mr. D K Sinha, AAG2

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 07-05-2015

Heard learned counsel for the petitioner and learned AAG 2 for the
State.

2. Perused Anneuxre-1. By virtue of this order certain amount has
been ordered to be recovered from the petitioner and two other employees under
the circumstances indicated in a detailed consideration, which will be evident
from reading of Annexure-1 dated 14.8.2007.

3. The background under which the Principal Secretary, Department
of Education, Govt. of Bihar has passed Annexure-1 is relatable to the grievance
raised by the landlord that the Area Office of the department was located in the
property of one Ram Gopal Saraugi. For one reason or the other the rent was not
being paid to him, which led to filing of CWJC No. 2183 of 2002. This order
passed by the learned single Judge is Annexure-9 to the writ application. After

adjudicating the matter, the Court had very decisively come down heavily on the State Government and also directed the authorities to pin point the responsibility of the persons concerned and take appropriate action. The Principal Secretary of the Department of Education, therefore, after going into the entirety of the matter has passed Anneuxre-1.

4. There was reason why the said order had to visit the petitioner and his culpability is evident from reading of the entirety of the order. The Court therefore, in the background noted above, is not inclined to interfere with the order of recovery. Since there is no evidence that any departmental proceeding was initiated and petitioner has already superannuated, the matter is allowed to rest at that.

5. Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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