

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1486 of 2014

=====

1. Ram Chhapit Ram S/O Late Sakhu Ram R/O Vill - Thakuri, P.O. - Banauli, P.S. - Paliganj, Dist - Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Department Of Human Resources Development, Govt. Of Bihar, Patna
2. The Director, Primary Education, Govt. Of Bihar, Patna
3. The District Superintendent Of Education, District - Patna
4. The In-Charge Head Master, Madhya Vidyalayakhapura, Circle Office, Masaurhi, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma

For the Respondent/s : Mr. Avinash Kumar

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

4 11-03-2015 The claim of the petitioner is to give a direction upon the respondent authorities to pay him a sum of Rs.92,333/- only as cost incurred by him in completion of four additional class rooms in Khanpur Middle school under Masaurhi block.

The short facts are that the petitioner was the headmaster of the school at a given time. For up gradation of facility of the school an estimated amount of Rs.8,12,150/- was paid. In the mean time petitioner was transferred to another school. It is his claim that he handed over charge to one Jitan Mochi to complete the balance work which was not done. Therefore, the petitioner took it upon himself to complete the work for which he incurred expenses to the tune of Rs.92,333/-.

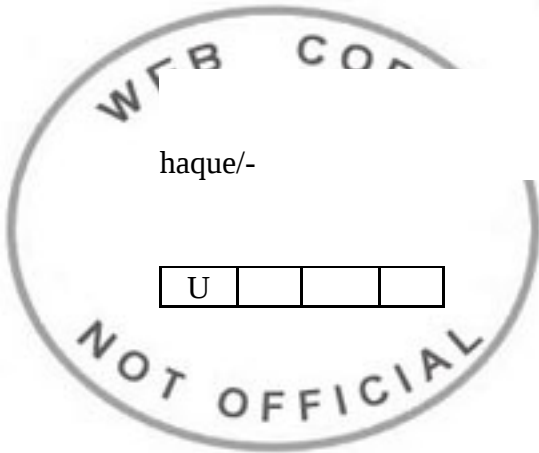


From the counter affidavit it emerges that when the petitioner left the school after transfer, the work was not complete and the cost incurred in the construction made so far amounted to Rs.6,24,000/- only. Mr. Jitan Mochi was handed over a sum of only Rs.24,200/- only. In other words, a paltry sum was left behind by the petitioner to complete the work. The responsibility to either render accounts for completing the construction within the budgeted estimate for which allocation was made was upon the petitioner. It is not out of charity that the petitioner volunteered to complete the work. Otherwise there would have been serious consequences for him. If he incurred additional expenses as is the claim, then the reimbursement thereof cannot be directed as a matter of course.

However, the court gives liberty to the petitioner to approach the competent authority and satisfy the authority about the authenticity of the total expenses incurred by the petitioner and the justification for the additional demand of Rs.92,333/-. These are matters which are required to be verified on the ground after due measurement and certifying the quality of work done as well as the authenticity of the expenses, over and above the estimated cost. This dispute cannot be decided by a writ court.

Prayer of the petitioner, therefore, is hereby

rejected with liberty as above. Writ application is dismissed.



(Ajay Kumar Tripathi, J)