

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.435 of 2013

In

Civil Writ Jurisdiction Case No. 8225 of 2004

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Yogendra Singh, son of late Ram Nagina Singh, resident of Main Road,
West Nagar, P.S. Kankarbag, District Patna

.... Petitioner/s

Versus

1. Sri Raj Mani Singh, Chairman, Bihar School Examination Board, Patna.
2. Sri Lalan Prasad, Secretary, Bihar School Examination Board, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Kishore Singh

For the Respondent/s : Mr. Piyush Lall

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

9 27-10-2015 Heard the parties.

Learned counsel for the petitioner submits that the order dated 20.9.2012 passed in C.W.J.C. No. 8225 of 2004 was subject matter of consideration before the Division Bench in L.P.A. No. 239 of 2013 where the Court while disposing of the matter has given liberty that the department so advised if it is found that some outstanding advance are still lying with the present petitioner the department may recover the same in accordance with law. As per counsel for the petitioner they have not followed the direction of the Division Bench and they have adopted a strange method and thereby adjusted the amount claiming outstanding dues against the petitioner.

According to the submission of the petitioner in terms of the order of the Division Bench department was required to pay the amount whatever outstanding against the petitioner and only thereafter they should have issued notice and after reply of the same if it was found that some amount was to be recovered only then they can go for recovery of the amount.

This Court finds that the department before passing the order of adjustment has issued notice, called upon the petitioner to submit show-cause and after submission of the show-cause arrived to a conclusion that advance money is lying outstanding against the petitioner and that has been adjusted.

In such situation this Court does not find any material for initiation of contempt proceeding. Accordingly this application is dismissed. The petitioner, if so advised, may raise grievance before the appropriate court, forum or authority.

Vinay/-

(Shivaji Pandey, J)

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