

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17731 of 2014

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Ram Swaroop Singh, Son of Late Girdhari Singh, Resident of
Village - Akair, P.O. - Akair, P.S. - Chandi, District - Nalanda.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Nalanda.
5. The District Education officer, Nalanda.
6. The Block Development Officer, Chandi, Nalanda.
7. The Block Education Extension Officer, Chandi-cum-Secretary, Primary Sanskrit School, Sakraurha, P.O. - Bhobhi, P.S. - Chandi, District - Nalanda.
8. The Bihar Sanskrit Shiksha Board, Patna through its Chairman.
9. The Secretary, Bihar Sanskrit Shiksha Board, Patna.
10. The Head Master, Primary School, Sakraurha, P.O. - Bhobhi, P.S. - Nagarnausa, District - Nalanda.
11. Kumari Shobha Verma, Wife of Sri Raj Kumar Verma, resident of village - Sakraurha, P.O. - Bhobhi, P.S. Nagarnausa, District - Nalanda.
12. Saneh Lata Kumari, Wife of not Known resident of village - Bhobhi, P.O. - Bhobhi, P.S. - Nagarnausa, District - Nalanda.

.... Respondents

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Appearance :

For the Petitioner : Mr. R.K. Sinha-No.2, Adv.

For the Respondent Nos.1 to 7 : Mr. Anjani Kumar, A.A.G.-6

For the Respondent No.8 & 9 : Mr. Satyam Shivam Sundaram,
Adv.

For the Respondent No.12 : Mr. Rajnikant Pathak, Adv.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

Date: 01-10-2015

With an allegation that respondent Nos.11 and 12 have been allowed to work as teachers in primary school, Sakraurha, in the district of Nalanda, and have been paid salary, though there was no such post in the said school, in collusion with the Headmaster and other authorities, the present writ application has been filed in the nature of Public Interest Litigation (PIL), seeking a direction for recovery of the amount, said to be legally paid against salary to them by respondent No.2, who is said to be responsible for such payment.

2. We have heard Mr. R.K. Sinha-No.2, learned counsel, appearing on behalf of the petitioner, Mr. Anjani Kumar, learned Additional Advocate General-6, appearing on behalf of respondent Nos.1 to 7, Mr. Satyam Shivam Sundram, learned counsel, appearing on behalf of the respondent Nos.8 & 9 and Mr. Rajnikant Pathak, learned

counsel, appearing on behalf of the respondent No.12.

3. Mr. Anjani Kumar, learned Additional Advocate General-6, appearing on behalf of the respondents-State of Bihar, has submitted that after conclusion of enquiry into the matter, as brought to the notice of the Court by the petitioner, a First Information Report has been instituted against respondent Nos.11 and 12, bearing Nagarnausha P.S. Case No.150 of 2015, on 23.09.2015, for the offences punishable under Sections 409, 420, 468 and 471 read with Section 120 B of the Indian Penal Code.

4. Learned counsel, appearing on behalf of the respondent No.12, has raised a preliminary objection to the effect that the school, in question, is run under a Managing Committee and in the absence of impleadment of such Managing Committee, as party respondent, this writ application may not be entertained.

5. Learned counsel, appearing on behalf of the petitioner, has drawn our attention to Annexure-4 to the writ application and has submitted that respondent No.12, admittedly, received payment against salary for the period 12.09.2008 to 28.02.2009, though as per her own showing, in the counter affidavit filed on her behalf, she has claimed to be appointed on 21.03.2009.

6. We do not intend to go into the question of

legality or otherwise of the appointment of respondent Nos.11 and 12 in the present proceeding or with respect to the dispute of payment to them, as alleged in the writ application, in view of the fact that the First Information Report has already been instituted against them, as noted above.

7. We expect fair and expeditious investigation by the police into the allegations, as made in the First Information Report. It is made clear that no observation made in the present judgment shall prejudice the said investigation.

8. The present proceeding stands closed, accordingly, with the observation as above.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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