

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10746 of 2015

Manoj Kumar Singh Son of Sri Kedar Singh, resident of Village and Post - Saidarai, Police Station - Garkha, District- Saran at Chapra.

..... **Petitioner**

Versus

1. The State of Bihar , through its Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director , Secondary Education , Government of Bihar, Patna
4. The Joint Director, Secondary Education, Government of Bihar, Patna.
5. The Collector, Saran at Chapra.
6. The Deputy Development Commissioner, Saran at Chapra.
7. The District Programme Officer, Madhyamik Shiksha, Saran at Chapra.
8. The District Education Officer , Saran at Chapra.
9. The Regional Deputy Director of Education, Saran at Chapra.
10. The Block Education Officer, Garkha, Saran at Chapra.

..... **Respondent 1st Set**

11. The Principal, Muni Lal, Secondary (+2) School , Saidarai, Garkha, Saran at Chapra. null null
12. The Managing Committee, Muni Lal, Secondary (+2) School, Saidarai, Garkha, Saran at Chapra, through its Ex-officio Chairman-cum-Member of Legislative Assembly, Garkha Constituency, Saran at Chapra

..... **Respondent 2nd Set**

Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate.

For the Respondent/s : Mr. Ashok Kumar Keshari (AAG-II)

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 29-02-2016

The present public interest litigation has been filed by public spirited guardians of student of the Muni Lal Secondary (+2) school, Saidarai Garkha, Saran, at Chapra, alleging mass scale irregularities, mis-appropriation and defalcation of public money by the Principal of the



aforementioned school. It is alleged that the Principal, in connivance with other authorities, is actively engaged in the misappropriation of the funds of the school and is also illegally collecting money from the students of the school in gross violation of the relevant provisions. It is, therefore, prayed that appropriate disciplinary proceeding be initiated against the Principal of the aforesaid school as well as other authorities in accordance with law.

Drawing the attention of the Court, it was submitted by learned counsel for the petitioner that one Dr. Kumar Prem Piyush Pathak took over charge as the Principal of Muni Lal Secondary (+2) school, Saidarai, Garkha, Saran, at Chapra, on 01.08.2014, and ever since, Dr. Pathak took over charge, he (aforementioned Principal) started acting in gross violation of the directions issued by the Department of Education, Government of Bihar, as contained in Memo No. 11/B2-93/2010-1027, dated 09.07.2013, by which the parameters for spending money have been fixed and the Principal of the school could act only in accordance with the directions as indicated in the aforementioned letter.

Noticing the irregular acts of the Principal, one donor member of the Managing Committee of the school namely, Gorakh Nath Singh, had lodged a complaint, dated



15.10.2014, against the Principal before the District Education Officer, Saran, at Chapra, alleging the financial irregularities having been committed by the Principal of the school. Two teachers of the school, who dared to raise their voice against the Principal, also met with the wrath of the Principal and a complaint case was filed against them before the Collector, Saran. The students of Class IX and X of the school also joined the protest against the Principal by filing a joint representation before the District Programme Officer, Madhymik Shiksha, Saran, on 03.01.2015. The irregularities, being committed by the Principal, were also noticed and published in the Hindi newspaper, namely “Hindustan” and ultimately, the District Programme Officer, Madhymik Shiksha, Saran, at Chapra, vide his letter No. 36, dated 03.02.2015, had issued direction to the Block Education Officer, Garkha, to enquire about the allegations levelled by the Principal against the two teachers, but no action has been taken against the Principal.

Being frustrated in his efforts to evoke any actions from the Department, the donor member, Shri Gorakh Nath Singh, vide his letter, dated 23.05.2015, again, represented before the District Education Officer, Saran, at Chapra, regarding illegal acts of the Principal of the school.



The petitioner also made a complaint, on 26.03.2015, in the Janta Darbar of the Collector, Saran, about the misdeeds of the aforesaid Principal. Ultimately, the Block Development officer enquired about the matter and, on 28.04.2015, submitted a detailed enquiry report vide his letter No. 247/BRC to the District Programme Officer, Madhymik Shiksha, Saran, at Chapra. The report clearly indicts the Principal and thus, it was contended that in the wake of such report having been submitted, it was the duty of the superior authority to have acted upon the same and take necessary action against the erring Principal. Accordingly, the petitioner prayed for initiating appropriate action against the principal and those, who were responsible for conniving with him and ignoring his misdeeds.

The counter affidavit has been filed by the respondent–State of Bihar duly sworn by the Joint Director, Secondary Education, wherein it has been contended that the Department, after due consideration of the complaint lodged by the petitioner, has directed the District Education Officer, Saran vide department letter No. 3092, dated 14.10.2015, to enquire into the allegations levelled against the Head Master of the school and send the report along with necessary proofs to the department at the earliest.



Responding to the counter affidavit filed by the State, a further allegation has been levelled by the petitioner that it has come on record in the several complaints filed by the donor member and also the present petitioner that the Principal had been illegally collecting money for releasing amount for cycle and dress distribution scheme as well as amount of scholarship of the students. It had also been found that the Principal had illegally withdrawn an amount of Rs. 11,76,905/- from the account of the school between the period 03.07.2014 and 11.02.2015 without the approval of the Managing Committee of the school and a report had also been submitted, in this regard, recommending that the financial irregularities be ascertained by an Audit Team. However, no further action was taken against the Principal. It was alleged that the Principal is in connivance with the higher ups in the Department, namely, Dr. Vijay Kumar Pandey, respondent no. 4, who is father-in-law of the Principal's son, and is, at present, posted as Joint Director, Secondary Education, Government of Bihar, Patna, the deponent of the counter affidavit filed in the present case. The said Joint Director was personally invited on all occasions to preside over the functions of the school and the instant affidavit filed in the case by the respondent-State is also in the name of the

said Vijay Kumar Pandey. Thus, according to the petitioner, the issuance of the letter, directing an enquiry against the Principal, is nothing but an eye wash as the Principal has, now, been allowed to superannuate without any action being taken against him.

A supplementary counter affidavit has been filed in this case, which indicates that in pursuance of letter No. 3092, dated 14.10.2015, the District Education Officer, Saran, at Chapra, sent a report vide letter No. 106, dated 31.12.2015, and, on receipt of the same, the District Education Officer, Saran, is directed to frame charges in Proforma "K" and send it to the Department with proof vide its letter No. 187, dated 21.01.2016, and, accordingly, after due consideration by the Department, the said Principal is being, now, proceeded in a departmental proceeding under Rule 43(b) of the Bihar Pension Rules.

Having heard learned counsel for the petitioner and learned counsel for the State and after perusal of the affidavit filed, it appears that the State Government has, now, already taken the necessary steps to proceed against the petitioner.

Learned counsel for the State has also produced Memo Nos. 440 and 441, dated 22.02.2016, whereby and

whereunder departmental proceeding has been initiated against the said Principal under the provisions of Rule 43(b) of the Bihar Pension rules and the charge sheet in Form “k” has already been issued to the concerned Principal. The copy of the aforementioned communication has been made available to the court and the same may be kept on record. On perusal of the aforementioned letter, dated 22.02.2016, this Court is of the opinion that action has, now, been initiated against the Principal, which substantially meets the grievances and relief sought for in the present public interest litigation.

This application is therefore, closed with liberty granted to the petitioner to approach this Court with appropriate application, in future, if situation so warrants.

(I.A. Ansari, ACJ)

(Anjana Mishra, J)

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