

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4418 of 2013

IN

Civil Writ Jurisdiction Case No. 21933 of 2012

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Ram Ekbal Singh, S/o Late Ram Lakhan Singh, Resident of Village & P.O. - Rajepur Nawada, Via - Chaita, P.S. - Pakaridayal, District - East Champaran, presently working as Lecturer in first post of Commerce, G.K.J.D. College, Basopatti, Madhubani

..... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. Mr. Amarjit Sinha, the Principal Secretary, Education Department, Government of Bihar, Patna
3. Mr. Ram Bujhawan Choudhary, the Director, Secondary Education, Education Department, Government of Bihar, Patna
4. Mr. Niwas Chandra Tiwari, the Deputy Director, Secondary Education, Education Department, Government of Bihar, Patna
5. Mr. Ram Singh, the District Education Officer, Madhubani
6. Mr. Gulam Mustafa, the Sub-Divisional Officer, Jainagar, Madhubani-cum-Secretary, Ad Hoc Committee, G.K.J.D. College, Basopatti, Madhubani
7. Mr. Arun Shankar Prasad, M.L.A., Khajauli-cum-Chairman, Ad Hoc Committee, G.K.J.D. College, Basopatti, Madhubani
8. Prof. Dr. R.K. Mandal, Principal, R.K. College, Madhubani, Member Educationalist, Ad Hoc Committee, G.K.J.D. College, Basopatti, Madhubani
9. Prof. Umesh Prasad, Principal, Member, Ad Hoc Committee, G.K.J.D. College, Basopatti, Madhubani

..... Respondents

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Appearance :

For the Petitioner : Mr. Binod Kumar Singh, Advocate

For the Respondents : Mr. Anil Kr Uapdhyay

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 19-10-2016

Heard learned counsel for the petitioner as well as learned counsel for the State.

Pursuant to the order, dated 21.09.2016 the Sub-Divisional Officer, Jainagar, Madhubani as well as the Principal of G.K.J.D. College, Basopatti, Madhubani are present in person.



The presence of these two persons was required as the petitioner submitted that the opposite parties have distributed fund received from the government to such employees and to such teaching and non-teaching staffs, who were not lawfully appointed. In this respect against sanctioned post this Court while disposing of the writ application, bearing C.W.J.C. No. 21933 of 2012 observed vide order, dated 23.01.2013 that the District Committee/Principal of the College could distribute the fund received from the government through three drafts, dated 09.12.2011 to the lawfully appointed teaching and non-teaching staffs against the sanctioned post forthwith.

Learned counsel appearing for the State submits that the fund has been distributed only to the teaching and non-teaching staffs who have been lawfully appointed against the sanctioned post.

Learned counsel drew my attention to letter, dated 28th July, 2010 of the Director, Secretary Education to submit that on account of increase in the number of students comparative increased strength of teachers was necessary. The department has approved appointment of non-teaching and teaching staffs who have been lawfully appointed up to 26.03.2008.

Counsel for the State assures that none of the teachers

have been appointed unlawfully and submits that funds have been distributed only to teachers who have been lawfully appointed prior to 26.03.2008.

However, counsel for the petitioner disputes the aforesaid position.

This court in the contempt application could not go into nitty-gritty of the fact but nonetheless the petitioner would be at liberty to approach the appropriate authority including this Court, if he has concrete materials to establish that the persons appointed unlawfully prior to 26.03.2008 or appointed thereafter are being paid funds meant for lawfully appointed teaching and non-teaching staffs.

With the aforesaid liberty, this application is disposed of.

(Samarendra Pratap Singh, J.)

Kundan

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	