

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1661 of 2015

In

Civil Writ Jurisdiction Case No. 21139 of 2011

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1. Umesh Prasad Singh Son of Late Bachhu Singh resident of Village- Mahammadpur, P.O.- Utrain, Police Station- Tekari in the district of Gaya. Presently posted as Teacher at Upgraded Middle School, Amwa, Bodh Gaya
 2. Bajnath Kumar, Son of Sri Ramnaresh Sharma, resident of Mohalla- Lakhibagh Manpur, P.O.- Buniyadganj, Police Station- Muffasil in the district of Gaya, Presently posted as Teacher at Upgraded Middle School, Bataspur, Bodh Gaya
 3. Dilip Kumar, Son of Mannu Prasad, resident of Village- Balua, P.O.- Belhari, Belaganj, Gaya, Presently posted as Teacher at Upgraded Middle School, Belma, Tekari.
 4. Mukesh Prasad Verma, Son of Late Madan Prasad, resident of Adarsh Colony, Kharsura Bhaluahi, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Fatehpur Nepa, Tekari.
 5. Tribhuwan Nath Sahi, Son of Bankey Bihari Sharma, resident of Village & P.O. Char, Police Station- Makhdumpur in the district of Jehanabad. Presently posted as Teacher at Upgraded Middle School, Bangali Bigha, Nagar Nigam, Gaya.
 6. Kapil Narayan Sharma, Son of Late Raghubansh Narayan Sharma, resident of Village- Sikariya, P.O.- Maksudpur, P.S.- Tikari, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Kushap, Tikari, Gaya.
 7. Kamlesh Pandit, Son of Sri Jethan Pandit, resident of Village- Bhdauni, P.O. & District- Nawada. Presently posted as Teacher at Upgraded Middle School, Ram Bigha, Tekari.
 8. Amarendra Kumar, Son of Awadhesh Prasad Singh resident of Village- Bala Bigha, P.O.- Khanetu, P.S.- Tikari, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Karya, Tikari, Gaya.
 9. Arvind Sharma, Son of Late Kamta Prasad Singh, resident of Village- Noni, P.O.- Nimsar, Tekari, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Shivrinar, Tekari.
 10. Upendra Prasad, Son of Raghunandan Mahto, resident of Villahe- Manjhiyawa, P.O.- Khanetu, P.S.- Paraiya, Gaya. Presently posted as Teacher at Upgraded Middle School, Paraiya, Tekari, Gaya.
 11. Ramanuj Thakur, Son of Shivshankar Thakur, resident of Village- Nonijalalpur, P.O.- Nimsar, P.S.- Tekari, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Paluhar, Tekari, Gaya.
 12. Chandrawati Kumari, wife of Binod Bharti, resident of Village- Nandan Bigha, P.O. & P.S.- Tekari, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Belhariya, Tekari, Gaya.
 13. Ashok Kumar Verma, Son of Late Parmeshwar Dayal, resident of Village- Nandbigha, P.O. & P.S.- Tekari, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Telha Tekar, Gaya
 14. Dinesh Singh Son of Jivan Singh resident of Village & P.O.- Mudera, Konch, Gaya. Presently he retired.
 15. Rajkaran Singh Kamal Son of Late Dudheshwar Singh, resident of Village & P.O.- Aerk Diwaria, Tekari, Gaya. Presently posted as Teacher at



Upgraded Middle School, Kehora, Tekari, Gaya.

16. Shiv Nandan Thakur, Son of Late Balgovind Thakur, resident of Village- Chainpura, P.O.- Panchanpur, P.S.- Tekari, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Malsari, Tekari, Gaya.

17. Sudhir Kumar, son of Late Ramashrya Singh resident of Village & P.O.- Chichaura, Konch, Gaya. Presently posted as Teacher at Upgraded Middle School, Bara, Tekari, Gaya.

18. Nand Kishore Prasad, Son of Dagu Ram, resident of Village- Hasanpur, P.O. & P.S.- Belaganj, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Jalalpur-2, Tekari, Gaya.

19. Lilamani Kumari, wife of Nawal Kishore Sharma, resident of Village- Rasulpur, P.O.- Utrama, P.S.- Alipur, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Amakuan, Tekari, Gaya.

20. Krishna Murari, Son of Vishun Dhari, resident of Village- Bhawanpur, P.O.- Ark Dhibariya, P.S.- Tekari, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Salempur, Tekari, Gaya.

21. Ramishwar Pandit, Son of Sri Ram Lakhnan Pandit, resident of Village & P.O.- Raniganj, Imamganj, Gaya. Presently posted as Teacher at Upgraded Middle School, Rampur, Imamganj, Gaya.

22. Satyanarayan Mishra, Son of Late Jagdish Mishra, resident of Jaiprakash Nagar, P.O. & P.S.- Aurangabad, District- Aurangabad. Presently posted as Teacher at Upgraded Middle School, Gudiya, Imamganj, Gaya.

23. Ramwali Paswan, Son of Kanchan Ram, resident of Village- Tekrakala, P.O.- Bodhibigha, P.S.- Dumariya, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Bataspur, Imamganj, Gaya.

24. Sumitra Kumari wife of Kailash Prasad, resident of Village- Guriya, P.O. & P.S.- Imamganj, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Bishrampur, Imamganj, Gaya.

25. Ajay Kumar Son of Late Rameshwar Singh resident of Village & P.O.- Pipra, P.S.- Dumariya, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Gudiya, Imamganj, Gaya.

26. Arun Umesh Ram, Son of Late Parmeshwar Ram, resident of Village, P.O. & P.S.- Imamganj, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Babhandi, Imamganj, Gaya.

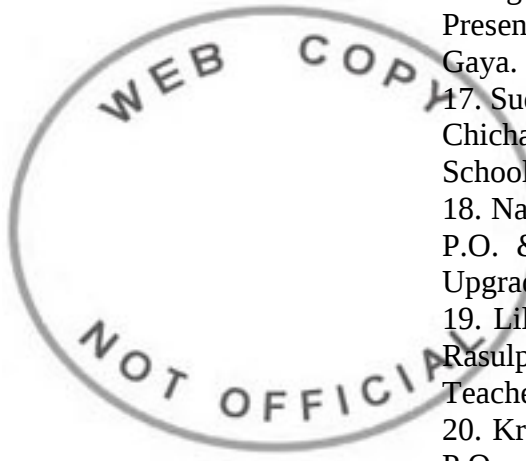
27. Rabindra Pathak, Son of Late Gupteshwar Pathak, resident of Village- Maigra, P.S.- Dumariya, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Baseta, Imamganj, Gaya.

28. Shatrudhan Ram, Son of Late Parmeshwar Ram, resident of Village- Imamganj, Gaya. Presently posted as Teacher at Upgraded Middle School, Kujeshwar, Imamganj, Gaya.

29. Smt. Chandrakanti Kumari Sinha, wife of Madan Prasad Singh resident of Village- Parariya, P.O.- Panchanpur, P.S.- Tekari, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Dighaura, Tekari, Gaya.

30. Meera Kumari, wife of Anil Kumar, resident of Village & P.O.- Sinduwari, Konch, Gaya. Presently posted as Teacher at Upgraded Middle School, Dadraji, Konch, Gaya.

31. Sita Ram Prasad, Son of Late Ramdeo Singh, resident of Village- Chhotka Karasan, P.O.- Malhari, P.S.- Imamganj, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Parariya, Bodh Gaya, Gaya.



32. Dwarika Prasad, Son of Late Phaguni Ravidas, resident of Village-Simari, P.O.- Nima Budhaul, P.S.- Amas, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Masuribar, Amas, Gaya.
33. Ramjee Thakur, Son of Late Kunni Thakur, resident of Mohalla-Nadraganj, Rajendra Ashram, Rehat Gali, P.O.- Gaya, P.S.- Civil Lines, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Girdhar, Guraru, Gaya.
34. Md. Sabiruddin, Son of Md. Dargahi, resident of Village- Neyamatpur, P.O.- Patharkatti, P.S.- Neemchak Bathani, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Gobdiha, Nimchak Bathani, Gaya.
35. Md. Taukir Ahmad, Son of Md. Allauddin resident of Village-Neyamatpur, P.O.- Patharkatti, P.S.- Neemchak Bathani, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Chhatni, Nimchak Bathani, Gaya.
36. Md. Ziyaulhasan, Son of Md. Murtuza, resident of Village & P.O. Bandi Maniyara, P.S.- Bathani, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Sindha, Nimchak Bathani, Gaya.
37. Lalti Kumari Wife of Upendra Prasad, resident of Village & P.O.- Narauni, P.S.- Naili, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Khukhari, Nimchak Bathani, Gaya.
38. Sanjay Kumar, Son of Siva Prasad Singh resident of Village-Lakhanpura, P.O.- Chand Chaura, P.S.- Civil Lines, Gaya. Presently posted as Teacher at Upgraded Middle School, Manjhauli, Bodh Gaya, Gaya.
39. Vinodanand Giri Son of Ramvaran Giri, resident of Village- Kenari, P.O.- Itawa, P.S.- Mohanpur, Gaya. Presently posted as Teacher at Upgraded Middle School, Matihani, Mohanpur, Gaya.,
40. Shashi Bhushan Pandey Son of Ayodhya Pandey, resident of Village & P.O.- Lakhaipur, P.S.- Mohanpur, Gaya. Presently posted as Teacher at Upgraded Middle School, Manjhauli Mohanpur, Gaya.
41. Rita Kumari, wife of Birendra Kumar, resident of Village- Raj Kumar Nagar, Dandibag, P.S.- Chand Chaura, Gaya. Presently posted as Teacher at Upgraded Middle School, Amwa, Bodh Gaya, Gaya.
42. Awadh Kishore Singh Son of Sri Sivnath Singh resident of Village & P.O.- Baraila, P.S.- Fatehpur, Gaya, Presently posted as Teacher at Upgraded Middle School, Itra, Bosh Gaya, Gaya.
43. Shanti Giri, Son of Late Muneshwar Giri, resident of Village- Bazirganj Mahdewa, P.S.- Bazirganj, Gaya. Presently she retired.
44. Ashok Kumar Son of Late Bageshwari Prasad resident of Mohalla-Narayan Colony, P.O. & P.S.- Sherghati, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Sondiha, Sherghati, Gaya.
45. Satya Prakash Son of Baidhyanath Singh, resident of Village- Gewal Bigha, P.O.- Samir Takya, P.S.- Rampur, Gaya. Presently posted as Teacher at Upgraded Middle School, Kerari, Guraru, Gaya.
46. Shiv Shankar Paswan, Son of Late Budhan Paswan, resident of Village-Mahadipur, P.O.- Vishunpura, P.S.- Sherghati, Gaya. Presently posted as Teacher at Upgraded Middle School, Kharati, Bodh Gaya, Gaya.
47. Mrityunjay Kumar Pandey Son of Udayadhar Pandey, resident of Village & PO.- Fatehpur, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Fatehpur, Gaya.
48. Kanahai Prasad Son of Late Yamuna Prasad resident of Shastrinagar West, Road No.07, P.O. & P.S.- Rampur, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Dhanawa, Bodh Gaya, Gaya.

49. Durga Chaudhary, Son of Late Bigan Chaudhary, resident of Village-Parsawa Khurd, P.O.- Parsawa, P.S.- Bankey Bazar, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Rohi, Barachatti, Gaya.

50. Anwar Ali Khan, Son of Md. Rafik Khan, resident of Aliganj, Road No.1/A, Gaya. Presently posted as Teacher at Upgraded Middle School, Bahera, Dibhi, Gaya.

51. Indu Kumari, Daughter of Late Sadhu Saran Prasad, resident of Village & P.O.- Jharna Saren, P.S.- Nimchak Bathani, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Maniyara Nimchak Bathani, Gaya.

52. Suresh Prasad Mishra, Son of Late Dev Prasad Mishra, resident of Village- Purani Hate Godam, P.S.- Kotwali, Gaya. Presently posted as Teacher at Upgraded Middle School, Bangalibigha, Nagar Nigam, Gaya.

53. Ajay Kumar Harit, Son of Kedarnath Singh, resident of Village-Kurkihar, Vajirganj, Gaya. Presently posted as Teacher at Upgraded Middle School, Adhwa, Vajirganj, Gaya.

54. Dharmendra Kumar, Son of Ramawatar Singh, resident of Village & P.O.- Saraph, Mohara, Atari, Gaya. Presently posted as Teacher at Upgraded Middle School, Pater, Vajirganj, Gaya.

55. Avinash Kumar, Son of Shivnandan Singh, resident of Village-ahiyapur, P.S.- Konch, District- Gaya. Presently posted as Teacher at Upgraded Middle School, Hatiyar, Bodh Gaya, Gaya.

56. Nandlal Pandit, Son of Late Bangali Pandit, resident of Village-Bhusanda, P.O.- Nauranga, Muffasil, Gaya. Presently posted as Teacher at Upgraded Middle School, Chach, Bodh Gaya, Gaya.

57. Raj Kishore Raj, Son of Shiv Kumar Sharma, resident of Village & P.O.- Sohsa, District- Arwal. Presently posted as Teacher at Upgraded Middle School, Nigri, Dobhi, Gaya.

58. Ram Nath Sharma, Son of Late Raghubir Mistri, resident of Village-Sweaichak, P.O.- Aarut, Dobhi, Gaya. Presently posted as Teacher at Upgraded Middle School, Bakraur, Bodh Gaya, Gaya.....

Versus

1. The State of Bihar through Mr. R.K. Mahajan, son of not known to the petitioners, the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.

2. Mr. R.K. Mahajan, son of not known to the petitioners, the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.

3. Mr. Sridhar C., son of not known to the petitioners, the Director, Primary Education, Human Resources Development Department, Government of Bihar, Patna.

4. Mr. Rajendra Ram, son of not known to the petitioners, the Special Secretary, Human Resources Development Department, Government of Bihar, Patna.

5. Mr. Sanjay Kumar Agarwal, son of not known to the petitioners, the District Magistrate, Gaya.

6. Smt. Pratibha Kumari, wife of not known to the petitioners, the District Education Officer, Gaya.

7. Dr. Priyanandan Kumar, son of not known to the petitioners, the District Programme Officer (Establishment), under District Education Officer, Gaya.

8. Mr. Suresh Chaudhary, son of not known to the petitioners, the District Programme Officer (Sarva Shiksha Abhiyan) under District Education Officer, Gaya.

9. Mr. Kumar Rakesh, son of not known to the petitioners, the District Provident Fund Officer, Gaya.

10. Mr. Arvind Kumar Verma, son of not known to the petitioners, the Treasury Officer, Gaya.

11. Mr. Arvind Kumar Verma, son of not known to the petitioners, the Sub-Treasury Officer, Sherghati, Gaya. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Respondent/s : Mr. Ajay, GA-12

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 27-07-2016

Heard learned counsel for the petitioners and learned

counsel for the respondents.

The District Programme Officer is physically present, who has sworn an affidavit of the third supplementary show cause.

In paragraphs 4 and 5 of the third supplementary show cause it has been stated, is as follows:-

“That it is stated here that accordingly, the required guideline in the matter has been received vide letter no. 1229 dated 26/7/2016 of the Primary Directorate, Education Deptt. Government of Bihar, Patna whereby and whereunder the proposal to deposit the remaining amount of interest of 4.5% has been given from the amount of interest gathered on salary amount received under Sarv Shiksha Abhiyan. Such permission has been granted with the condition that the amount allowed to be deposited in the accounts of the petitioners from the interest accrued on the salary amount under Sarv Shiksha Abhiyan shall be adjusted from the amount recovered from

the erring employees/officials under the Public Demand Recovery Act.

That it humbly submitted that as soon as the permission was accorded from the Primary Directorate, Education Deptt., step has been taken for depositing the remaining amount of 4.5% in the bank account of the respective teachers/petitioners which is under process and there is probability that such remaining difference amount of 4.5% shall be deposited to them within a week inasmuch as the challan/cheque has already been prepared.”

In view of the statement made in the third supplementary show cause, there is no need to keep the matter pending. If the amount is not deposited within a period which has been mentioned in paragraph 5 of the third supplementary show cause, petitioners will have liberty to file an application for revival of the case and if such application is filed, the Court will pass necessary order.

With the above observation/direction, this petition is disposed of.

The State is directed to give the photo copy of the challan to the counsel for the petitioners.

(Shivaji Pandey, J)

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