

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4913 of 2015

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1. Arun Kumar Singh, Son of Jagannath Singh, Resident of Village Kotwa, P.S. Barauli, District Gopalganj.
 2. Dinesh Kumar Mishra, Son of Chandra Shekhar Mishra, Resident of Village Rajapakar, P.S. Turkpatti, District Kushinagar (U.P.)
 3. Md. Murtaza Ali, Son of Late Md. Islam, Resident of Village Sareyan Narendra, P.S. Barauli, District Gopalganj.
 4. Mithilesh Shukla, Son of Late Gobind Shukla, Resident of Village Khajuriya, P.S. Sidhwaliya, District Gopalganj.
 5. Ramjanam Singh, Son of Late Nathuni Singh, Resident of Village Sarfara Tola, Bankat, P.S. Barauli, District Gopalganj.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director (Secondary Education), Education Department, Government of Bihar, Patna.
4. The District Magistrate, Gopalganj.
5. The District Education Officer, Gopalganj.
6. The Bihar School Examination Board through the Secretary, Budh Marg, Patna.
7. The Secretary, Bihar School Examination Board, Budh Marg, Patna.
8. Pandit Din Dayal Upadhyay Inter College, Khajuriya, Barauli, District Gopalganj through the Secretary.
9. The Principal, Pandit Din Dayal Upadhyay Inter College, Khajuriya, Barauli, District Gopalganj.
10. The Secretary, Ad hoc Management Committee, Pandit Din Dayal Upadhyay Inter College, Khajuriya, Barauli, District Gopalganj.
11. Department of Vigilance, Government of Bihar.

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Ranjeet Kumar Pandey, Advocate
For the State	:	Mr. Kumar Manish, S.C.21
For B.S.E.B.	:	Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-06-2016

Problem has arisen for the regular teachers and employees of an Inter College known as Pandit Din Dayal Upadhyay Inter College, Khajuriya, Barauli in the district of Gopalganj because



of institution of a vigilance enquiry against the then Principal and some of the members of the Managing Committee for defalcation of grant in aid released by the Bihar School Examination Board. This Court does not have to go behind the allegation for the reason that the vigilance has already taken cognizance of the matter and has also filed charge-sheet under various sections of the IPC as well as Prevention of Corruption Act.

2. The five petitioners before this Court want a direction upon the Examination Board for release of funds irrespective of the dispute or the allegation against the previous incumbents because the bona fide regular teachers and non-teaching employees are facing hardship for a long long time.

3. Today learned senior counsel representing the petitioners has filed a supplementary affidavit wherein he has brought a Notification No.7994, dated 11.12.2015 issued by the then Secretary of Bihar School Examination Board where an ad hoc committee was constituted. The Court is surprised to note that one of the accused as well as the Principal of the College has been included as Secretary of the ad hoc committee. This is unacceptable position so long as the vigilance case does not exonerate such a person of the charges which are pressed against him.

4. In the above circumstances but keeping the interest of

the regular teachers as well as the non-teaching employees who are going without payment for a long time, some remedial measure is required to be taken especially if the recognition of the institution as such is not an issue before the Bihar School Examination Board.

5. The writ application is disposed of with a direction upon the Chairman of Bihar School Examination Board that he will constitute a fresh managing committee keeping the interest of the institution in question as well as to ensure that any funds which may be required to be released do not fall in the wrong hands and at least not in the hands of any of the accused persons against whom the vigilance has already initiated steps for prosecution.

6. The question of release of funds will follow thereafter. A decision in this regard must be taken by the Chairman within a period of three months from the date of production of a copy of this order.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	01.07.2016
Transmission Date	