

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.325 of 2016

=====

1. Gajendra Prasad Singh S/o Late Bachcha Lal Yadav residing at Vidyapuri Ward No. 02, Nagar Parishad, Supaul, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The State Project Director, Bihar Education Project Council, Bihar, Patna.
5. The Regional Deputy Director, Education, Koshi Division, Saharsa.
6. The District Education Officer, Supaul, District Supaul.
7. The District Programme Officer (Sarva Siksha Abhiyan), Supaul, District Supaul.
8. The Block Education Officer, Supaul, District - Supaul.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr Sharda Nand Mishra
Mr. Dhananjay Kumar Gupta

For the Respondent/s : Mr. AC to GA9
Mr Girijesh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 04-05-2016

After issuance of Annexure- 10, dated 28.11.2015 by the District Programme Officer, Sarva Shiksha Abhiyan, Supaul, petitioner filed the present writ application for quashing of the said communication. The communication is the direction by the District Programme Officer to the Block Education Officer, Supaul to ensure that the advance of Rs.1,20,000/- given to the petitioner for completion of certain work in the school building of Kasturba Gandhi Balika Vidyalaya should be refunded and for defalcation even an FIR

be lodged.

This Court has no mechanism by virtue of which the Court can certify the conduct of the petitioner as well as the so-called explanation being offered for the non- completion of work assigned to him.

What has been done or not done against the funds advanced to the petitioner would be required to be physically verified on the ground and the authenticity of the explanation or the blame game which the petitioner is indulging in can be tested by the authorities, who are at the helms of affairs and know best.

Counsel representing the petitioner submits that he is willing to explain as well as demonstrate the work already completed by him after he took over as Incharge of the school in question. Such a prayer is a fair prayer. The Court is willing to give the petitioner an opportunity to establish his innocence. Therefore, let the petitioner appear before the District Programme Officer, Sarva Shiksha Abhiyan, Supaul, who will verify the correctness or otherwise of the explanation and evidence so offered by the petitioner and the extent of his responsibility after he has taken over.

On such an exercise being done, final order will be passed in this regard. The Court would expect that such deliberation and exercise will be done within a reasonable time frame. The said

authority will not drag the matter indefinitely.

Writ stands disposed of with the above liberty to the petitioner.

(Ajay Kumar Tripathi, J)

sk

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	04.5.2016
Transmission Date	