

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8092 of 2014

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1. Satyendra Kumar Singh son of late Janak Prasad Singh resident of Anand Vihar Colony, Rukanpura P.S. Rupaspur, Patna
 2. Manmohan Chaudhary son of late M.K. Chaudhary Vasant Vihar Colony, Ambedkar Path Khajpura Patna
 3. Bachhu Rajbanshi son of Shri Sarayraj Rajvanshi resident of Mitra Mandal Colony, Sector D-9 P.S.- Anisabaad Patna
 4. Randhir Kumar son of Shri Vindeshwar Bhagat Jagdeo Path More, Vajrang Colony Patna
 5. Om Prakash Sinha son of Late Babu Lal Das P.C. Colony Sector K/23 Kankarbag Patna
 6. Siddhinath Jha son of late Kantir Jha resident of mohalla Shiv Puri P.S. Shashtri Nagar Dist. Patna
 7. Suresh Pathak son of late Umakalit Pathak resident of Vashishth Colony Harani Chak P.S. Anisabaad Dist. Patna
 8. Sunil Kumar Srivastava son of Ram Lakhan Prasad Flat no. 322 Mitra Mandal Colony, Anisabaad Patna
 9. Ram Sevak Prasad son of late Dhaneshwar Prasad North A.G. Colony Anisabaad Shashtri Nagar Patna
 10. Shiv Pad Chatterjee son of late Dr. Himanshu Deo Chatterjee C/34 Patrakaar Nagar Kankarbag Patna
 11. Shambhu Nath Das son of late Surendra Mohan Das Adarsh Path Road no.- 4 West Patel Nagar Patna
 12. Ram Pravesh Kishore son of Dr. Nathuni Singh resident of village Dhenka, Buxar

.... Petitioner/s

Versus

1. Bihar School Examination Board, Patna through its Secretary
2. The Chairman, Bihar School Examination Board, Patna
3. The Secretary, Bihar School Examination Board, Patna
4. State of Bihar through the Principal Secretary, Finance Department, Governemnt of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binodanand Mishra

For the Respondent/s : Mr. Piyush Lall

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 08-03-2016

An order dated 29.02.2016 has now been passed by the
Secretary of Bihar School Examination Board, which is on record as

Annexure-D to the supplementary counter affidavit, filed on behalf of the respondents.

In view of the same writ application is required to be disposed of now.

Learned counsel for the petitioners submits that by virtue of the order, contained in Annexure-D, petitioners will be entitled to the amount already recovered by the respondents.

It is the stand of the petitioners that the Courts and even this Bench in certain cases as recent as on 01.12.2015 in CWJC No. 8463 of 2015 had passed orders for refund of the recovery.

A plain reading of Annexure-D would show that a kind of advantage was drawn by the employees at the level of the erstwhile Intermediate Council, which was notorious for all kinds of wrong doings including grant of promotions etc. to employees who were not even entitled to benefit which was extended to them. All these led to abolition of the Intermediate Council and merging the same in Bihar School Examination Board.

In the facts and circumstances of the case, petitioners have got more than what they deserve by virtue of the fact that the recent decision of the Supreme Court has laid down certain parameters in the case of **State of Punjab & others Vs. Rafiq Masih (White Washer), 2015 (1) PLJR (SC) 261** based on which the respondents

have decided not to recover the amount which by itself is substantial relief.

Nothing further is required to be said with regard to benefit of refund of recovered amount as such. Petitioners should be more than happy that they got the advantage which they did not deserve in the very first place.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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