

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7484 of 2017

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Radha Raman Puri Son of Late Yadu Nandan Puri, resident of Pathak Puri Mohalla,
Ward No. 21, Daudnagar, P.S.-Daudnagar, District-Aurangabad.

.... Petitioner/s

Versus

1. The State Bank of India Through The Chief General Manager, Judges Court Road, Patna.
2. The General Manager, State Bank of India, Judges Court Road, Patna.
3. The Regional Manager, State Bank of India, Sasaram, Rohtas.
4. The Branch Manager, State Bank of India, Daudnagar Branch, District-Aurangabad.
5. The State of Bihar through the Superintendent of Police, Dist. Aurangabad, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Dubey, Adv.
For the SBI : Mr. Kaushlendra Kumar Sinha, Adv.
For the State : Mr. Kumar Vikram, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-07-2017

Heard learned counsel for the petitioner and counsel for
the State as also counsel for the State Bank of India.

The petitioner is an Ex-Headmaster In-Charge who has
superannuated from service on 31.1.2015. The petitioner has a saving
bank account no. 1143657653 with the State Bank of India,
Daudnagar Branch in the district of Aurangabad. A criminal case was
instituted being Obra P.S. Case No. 109 of 2017 for offence under
Sections 420, 409 of the Indian Penal Code in which an allegation was
made that Upendra Kumar Singh and present petitioner under the
scheme no. ACR/2 of the year 2005-06 of Sarva Shiksha Abhiyan Rs.



2,66,075/- was drawn by Upendra Kumar Singh by the then Headmaster of Madhya Vidyalaya, Tara but, he constructed the building worth Rs. 1,99,556/-, whereafter, the present petitioner took charge from Upendra Kumar Singh in the year 2006 and he also withdrawn the amount but, did not construct the building.

The petitioner has approached this Court in Cr. Misc. No. 55606 of 2016, a report was called for in the aforesaid case, the Block Education Officer, Obra, Aurangabad submitted a report mentioning therein that Rs. 2,66,075/- was withdrawn by Upendra Kumar Singh, the then Headmaster of the school and he spent Rs. 2,12,744/- for construction of the building, remaining amount of Rs. 53,352/- is lying in the account no. 2954. The petitioner had taken charge from Upendra Kumar Singh on 16.11.2006 and it was further mentioned that on 14.5.2010, Rs. 20,000/- was deposited by Upendra Singh. In that view of the matter, the Court directed the petitioner to deposit Rs. 30,000/- in the treasury account within two months.

Learned counsel for the petitioner submits that in pursuance of the order passed in the aforesaid criminal miscellaneous application, he has already deposited Rs. 30,000/- in the treasury of the State of Bihar.

The petitioner wants to operate the bank account but, he was not allowed to operate the same on the police instruction



interjecting the petitioner to operate the account on account of misappropriation of the government fund.

Learned counsel for the petitioner submits that the petitioner has already deposited the amount as aforesaid in the treasury and this Court has granted anticipatory bail. In such a situation, refusing to operate the bank account causes a great hardship to the petitioner.

Learned counsel for the Bank has submitted that on account of instruction issued by the police, the petitioner was not allowed to operate the Bank account. The State has tried to justify the action of the Bank.

Having considered the rival contentions of the parties, as it appears that the account was operated by Upendra Kumar Singh as well as by the petitioner and it was found that certain portion of the amount was handled by the petitioner and this Court, after examining the report of the Block Education Officer, Obra, has given direction to deposit Rs. 30,000/- which the petitioner has complied, in such circumstances, it will be travesty of justice to refuse the petitioner to operate the bank account but, if any further fact reveals in the present case, the authority will have a liberty to take action in accordance with law.

This Court also directs the Superintendent of Police,



Aurangabad to withdraw the instruction preventing the petitioner to operate the bank account and the petitioner will be at liberty to withdraw his pension amount. The petitioner will also be obliged to file a life certificate which is required under law.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.07.2017
Transmission Date	NA

