

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6297 of 2016

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Rajeshwar Jha Son of Late Natho Jha Retired Headmaster, Middle School, Village - Madhodih, P.O. - Ganaili, P.S. - Harpur Anchal Tarapur, District - Munger. Resident of Village - Ramgarh, P.O. - Nauagarhi, P.S. - Mufassil, District - Munger. At present Mohalla - Gandhi Nagar, P.O. & P.S.- Tarapur, District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Primary Education, Bihar, New Secretariat, Patna.
3. The Director, Primary Education Bihar, Patna.
4. The District Magistrate, Munger.
5. The District Education Officer, Munger.
6. The District Programme Officer, Establishment, Department of Education, Munger.
7. The Block Education Officer, Munger.
8. The Headmaster, Middle School, Village - Madhodih, P.O. - Ganaili, P.S. - Harpur, Anchal - Tarapur, District - Munger.
9. The Treasury Officer, Munger.
10. The Accountant General Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. N. Hoda, Advocate

For the State : Mr. Tej Pratap Singh, AC to AAG 13

For the Accountant General : Mr. Binod Kumar Labh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 25-05-2017

Heard learned counsel for the petitioner, State and the Accountant General.

2. The petitioner has moved the Court for payment of his retiral dues.

3. Learned counsel for the State, on the basis of counter



affidavit filed on behalf of respondents no. 5 and 6, submitted that various payments have been made of post retiral dues but with regard to pension and gratuity, the same has not been paid for the reason that there is charge of embezzlement of public money for which an F.I.R. has also been lodged. He further submitted that the petitioner, by several letters, has been called upon to assist the respondent no. 9 so that amount can be explained but the petitioner has chosen not to appear before him. Further, it was submitted that the petitioner has also not handed over the charge to his successor Headmaster of the school from where he superannuated.

4. From the records it transpires that copy of the counter affidavit was served on learned counsel for the petitioner on 28.04.2017. No rejoinder to the same has been filed.

5. Having regard to the aforesaid, once there is allegation of defalcation of public money as also the charge that the petitioner is neither handing over charge of the office held by him nor is cooperating with the Treasury Officer, Munger, the Court does not consider it appropriate to interfere in the matter.

6. Accordingly, the writ petition stands disposed off.

7. However, the petitioner shall be at liberty to hand over the charge of the office held by him and to cooperate with the Treasury Officer with regard to either satisfying him that the amount



alleged to be embezzled by him can be explained or in the alternative to accept payment, after deduction of the said amount to the tune of Rs. 1,24,386/-. Upon him doing so, the concerned respondent shall ensure that the payment of remaining post retiral dues of the petitioner, as may be admissible in law, is paid to him within the next two months. The petitioner shall serve a copy of this order on the respondents no. 8 and 9 who shall act in accordance with the directions given in this order.

(Ahsanuddin Amanullah, J)

Anjani/-

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