IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16137 of 2016

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Md. Parwej Alam, Son of Md. Abdul Rauf, resident of village- Kantadih, P.S.- Kadwa, District- Katihar, presently posted as Incharge Headmaster of Upgraded Middle School, Kehta Baluganj (Pranpur), District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary of Education Department, Government of Bihar, Patna.
2. The District Magistrate, Katihar.
3. The District Programme Officer, Sarb Siksha Abhiyan, Katihar.
4. The Block Education Officer, Pranpur, District- Katihar.

…… State Respondents

5. The Panchayat Sikshak Niyojan Samiti, Kehta, Baluganj, District- Katihar.
6. Ajay Kumar Bharti Son of not known, the Incharge Headmaster of upgraded Middle School, Kehta, Baluganj, District- Katihar.

....Private Respondent/s

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Appearance :
For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate
For the State : Mr. Ram Vinay Prasad Singh, A.C. to G.A. XII

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 18-10-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following relief:

> *"That this is the writ petition being filed before this Hon'ble High Court on behalf of the aforesaid petitioner for issuance of a writ in the nature of 'certiorari' whereby and where under setting aside the letter being SSA/266 dated-15.01.2016 issued and signed under the signature of Respondent no. 3 and office order as contains in memo no. 69 dated-25.04.2016 issued and signed under the signature of respondent no. 4 by which the petitioner hereinabove has been put under suspension with serious charge of defalcation and moreover he has been directed to hand over the charge of the Incharge Headmaster to Respondent no. 6 within a period of three days without*

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considering the show cause filed by the petitioner. And further prayer of the petitioner is for issuance of a writ in the nature of mandamus whereby and where under to command and direct the respondents to reinstate the petitioner on the post of the Incharge Headmaster of upgraded Middle School (hereinafter referred as School) Kehta Baluganj, Block- Pranpur, District- Katihar."

3. In terms of the earlier order of the Court, a supplementary counter affidavit has been filed on behalf of respondent no. 2, in which it is stated that enquiry was held by the District Programme Officer (I.C.D.S.), Katihar and he has found that against Rs. 8,49,260/-, which had been drawn by the petitioner, the expenditure is Rs. 9,13,918/- and the building is complete. It has further been stated that the estimated cost was Rs. 9,35,500/-.

4. In view of the aforesaid, learned counsel for the State submitted that as the contention of the petitioner that the building was complete and due to lack of measurement, it was alleged that he had defalcated the amount, having been found to be correct, the order impugned recommending his suspension shall now be withdrawn and no action shall be taken against the petitioner and further, that he would be put back in charge, which was directed to be given by him in view of the allegation of defalcation, which has now been found to be incorrect. He submitted that the same would be done within two weeks from today.

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5. In view of the stand taken, both in the counter affidavit as well as in the submissions made by learned counsel for the State, as recorded above, nothing remains to be adjudicated in the present writ application and accordingly, the same stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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