

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5408 of 2016

- P. L. Barman S/o Kaniram Barman, Aged About 50 Years Working As Principal, Govt. Higher Secondary School, Dongripali, Block Baramkela, District Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Education Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. District Education Officer, Raigarh, District Raigarh (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Harish Khuntiya, Advocate
For Respondent/State	:	Shri S. P. Kale, Dy.AG

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/08/2017

Heard.

2. The petitioner has assailed legality and validity of order dated 12-09-2016, by which, the petitioner has been directed to deposit the amount of Rs.4,11,510/- only on the allegation that the petitioner did not deposit the entire amount of scholarship of Rs.4,11,500/-. Allegedly, it was not disbursed and misappropriated by the petitioner.

3. Learned counsel for the petitioner submits that he was not given any notice to submit reply and he sought certain documents/report of the Officer of the Accountant General, on the basis of which, notice of recovery was ordered but that was also not supplied.

4. On the other hand, learned State counsel submits that after due enquiry made and the report submitted by the Office of Accountant General, orders were passed.

5. Apparently, no show cause notice was issued to the petitioner before issuance of recovery order, therefore, the impugned order of recovery cannot be sustained.

6. Accordingly, the petition is allowed and the impugned order is set aside. The respondents would be at liberty to issue show cause notice to the petitioner and then pass appropriate orders as may deem it fit in accordance with law.

SD/-
(Manindra Mohan Shrivastava)
Judge