IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10212 of 2016

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Madhubala W/o Bijay Kumar Srivastava Retd. Principal, Mozeeb Balika + 2 School, Motihari, East Champaran, presently residing at 104, Sara Apartment, Punaichak, P.O. & P.S. Shastri Nagar, District - Patna - 800023.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department of, Government of Bihar, Patna.
2. The Additional Secretary, Department of Education, Government of Bihar, Patna.
3. The District Education Officer, East Champaran, Motihari.
4. The Accountant General (A & E), Bihar, Patna.
5. The Senior Accounts Officer, Office of the Accountant General, Bihar, Patna.
6. The District Magistrate, East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukund Jee, Advocate
For the State	:	Mr. Kumar Alok, S.C. 8
For the A.G.	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 01-11-2018

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

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

> *"That this is an application under Article 226 of the Constitution of India for issuance of an appropriate writ/s, or issuance of direction directing the respondents to make payment of entire amount of Pension, Gratuity and Leave Encashment though the respondents made the payment of 90% of the Pension amount and 90% of Gratuity amount withholding the left over amount depriving the petitioner for exercising the payment of commutation amount, Leave encashment amount paid for only 287 days on the*

> *wrong calculation of amount of Scale as well as number of days or issue such other direction or directions, or pass such other order/s as may deem fit and proper in the present case."*

3. The Court considering the stand of the petitioner and taking note of the facts and circumstances of the case had directed the authorities for an exercise of actual measurement to come to the conclusion whether the amount taken by the petitioner was fully utilized for the purpose of constructing toilet and ramp in the school form where the petitioner superannuated. The said exercise has resulted in the matter being looked into by two successive committees and ultimately they have come to the conclusion that out of Rs. 2,55,970/- taken by the petitioner for such construction, the cost of the built up structure would be only Rs. 1,41,643/- and, thus, Rs. 1,14,327/- is required to be adjusted.

4. Learned counsel for the State submitted that in view of such fact, show cause has also been issued to the petitioner on 23.03.2018, which the petitioner is required to reply and accordingly the department would proceed in the matter. It was further submitted that 90% of pension and gratuity has already been paid as also leave encashment and other retiral dues.

5. In view of the aforesaid, the Court finds that nothing further remains to be adjudicated in the present writ application as of

now since the petitioner shall have to go through the procedure laid down with regard to the authorities raising a demand on her.

6. Accordingly, the writ petition stands disposed off with liberty to the petitioner to take steps in accordance with law before the appropriate authorities. It goes without saying that the settlement of the retiral dues of the petitioner shall be in terms of the final order passed by the authorities relating to the amount which is claimed to be recoverable from the petitioner.

(Ahsanuddin Amanullah, J.)

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