

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1476 of 2017

In
Civil Writ Jurisdiction Case No.14873 of 2014

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Yogendra Sah, Son of Shiv Baran Sah, Resident of Village-Bakhari, Nazir,
P.O. Mehshi, P.S. Mehshi, District East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, East Champaran.Motihari
5. The District Programme Officer, (Establishment), East Champaran, Motihari.
6. The District Treasury Officer, East Champaran, Motihari
7. The Block Education Officer, Mehshi, East Champaran.
8. The Headmaster, Government Middle School, Bakhari, Mehshi, East Champaran.
9. The Accountant General, Birchand Patel Path, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Hari Kishore Thakur, Advocate
For the Respondent/s : Mr. Ahutosh Ranjan Pandey -AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 22-06-2018 Having heard learned counsel for the parties, we

modify the order passed by the Writ Court on 19.09.2017 in

C.W.J.C. No. 14873 of 2014 to the effect that with regard to the

recovery in question made on account of non-accounting of

advance taken for construction work to the tune of more than

Rs. 16 lacs, the show-cause notice shall be issued to the

petitioner, he shall be heard and after passing a speaking order

in case it is found that recovery has to be effected, the same



shall be done, else the entire amount shall be refunded back to the petitioner. The entire exercise for issuance of show-cause notice and deciding the question of refund of the amount or its recovery shall be undertaken by Respondent No. 4 within a period of three months. In case the matter is not decided within three months, the entire amount recovered shall be paid to the petitioner without effecting any recovery.

With the aforesaid, the Letters Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

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