

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.778 of 2017

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Satyadev Mishra S/o Late Jagarnath Mishra Resident of Koran Sarai P.S.
Kora Sarai P.O. Koransarai District Buxar Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department Government of Bihar, Patna
 2. The District Magistrate, Buxar
 3. The District Education Officer, Buxar
 4. The District Program Officer, Primary and Sarva Shiksha Abhiya, Bihar Education Project Buxar
 5. The Assistant Engineer, Sarva Shiksha Abhiyan Buxar Respondent/s
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Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai, Advocate
For the Respondent/s : Mr. Shankar Kumar Thakur, AC to GP27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 15-03-2018

Heard learned counsel for the petitioner and learned counsel
appearing on behalf of the State.

2. In connection with certain construction work the petitioner was allotted Rs 9,59,400.00. It appears that as per the measurement book work was done for a sum of Rs 8,46,400.00 only and as such the respondents have fastened accountability of Rs 1,24,469.00 but the petitioner has now superannuated.

3. Learned counsel for the petitioner submits that the petitioner has completed the work for the fund allotted to him and the respondents have not correctly measured the work which is a matter of accounting. In such a situation the court may direct the respondents to make fresh measurement and after valuation and calculation of the work done the respondents may determine the amount payable by the petitioner afresh. In case such measurement is done in the presence of



the petitioner and accounts are settled after opportunity to this petitioner, the respondents may determine the liability afresh and raise or realize the same from the pensionary claim of the petitioner.

4. In view of the aforesaid, the writ petition is disposed of with a direction to the District Programme Officer, Sarva Siksha Abhiyan, Buxar to provide opportunity to the petitioner at the time of the fresh measurement of the work and calculate the amount use for the construction work and only after fresh measurement he can raise fresh demand for deposit of the amount not used in construction work or realize the same from the post retiral dues of the petitioner. The entire exercise in this regard must be completed within a period of 60 days from the date of receipt/ production of a copy of this order in view of the above the respondents are restrained from acting upon annexure 2 until fresh determination of liability of the petitioner after opportunity of hearing.

5. The writ petitioner stand disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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