

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16964 of 2015

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Beda Nand Singh son of Late Sukhdeo Prasad Singh Resident of Village -
Amba, P.O. - Amba, P.S. - Shahkund, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Bhagalpur.
4. The District Education Officer, Bhagalpur.
5. The District Accounts Officer, Bhagalpur.
6. The Treasury Officer, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pravina Kumari, Advocate
For the Respondent/s	:	Mr. Raj Ballabh Pd. Yadav, AAG-XI
For Advocate General	:	Mr. Uday Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-12-2018 Heard learned counsels for the parties.

Learned counsel appearing on behalf o the petitioner submits that petitioner superannuated in the year on 31.1.1997 and after superannuation respondents have decided to recover Rs. 33452.50/- on the ground that first time bound promotion was wrongly granted to the petitioner.

In view of the judgment of the apex court in the case of **Rafiq Masih (White Washer),etc.: 2015(1), PLJR (SC) 261=(2015) 4 SCC 334**, recovery of alleged excess amount after superannuation is impermissible.

In view of the above, the Court does not approve the



action of the respondents in directing recovery of Rs.
33452.50./-

Accordingly, the respondents are hereby directed to
release and repay the same to the petitioner at the earliest within
a period of four months from the date of receipt/production of a
copy of this order.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

Ravi/-

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