

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7608 of 2018

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Bhupendra Kumar, Son of Shri Vakil Singh, Resident of Village-Bhikampur, Police Station- Bhagwanpur Hat, District- Siwan. At present posted and working as a Teacher in Govt. Primary School Nagwa, Block- Bhagwanpur Hat, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Siwan.
3. The District Education Officer, Siwan.
4. The District Programme Officer (Establishment), Siwan.
5. The District Programme Officer, Primary Education and Sarv Siksha Abhiyan, Siwan.
6. The Block Education Officer, Bhagwanpur Hat, District-Siwan.
7. The Headmaster-cum-Drawing Disbursing Officer, Govt. Primary School Nagwa, Block-Bhagwanpur Hat, District- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate

For the Respondent/s : Mr. Subhash Chandra Mishra, SC-16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 01-05-2018

Heard learned counsel for the petitioner and respondents.

2. The grievance of the petitioner in the present writ application is stoppage of salary.

3. The petitioner at the relevant time was incharge headmaster of the school and as such he was associated with construction work in the school.

4. Approximately 14 lakhs and odd was sanctioned for construction of four additional class rooms.

5. The petitioner submits that due to price escalation,



the respondents are required to workout fresh estimate, as the earlier estimate was taken in the year 2011-12 and due to passage of time and price escalation the construction work requires fresh estimate, but the respondents have failed to do so.

6. Since the petitioner was the incharge headmaster of the school and as such he has received advance in connection with construction work. The question of fresh estimate cannot be decided in the present writ application, although the Court can grant relief in the nature of direction to the respondents to undertake fresh measurement of the work done in order to fix the accountability of the petitioner after fresh measurement in presence of the petitioner. In the event, after fresh measurement of the work anything is found payable by the petitioner, the petitioner is under obligation to pay the same or in case of failure, the respondents would be entitled to recover from the salary of the petitioner by fixing installments.

7. The entire exercise of fresh measurement shall be taken by the respondents in presence of the petitioner within a period of one month from today and thereafter the respondents will workout the liability of the petitioner and raise demand within a further period of 30 days and thereafter the respondents are obliged to determine the manner in which the respondents have to recover the amount calculated afresh after fresh measurement.



8. In view of the above, payment of salary may be made after fixing installments for payment of liability determined afresh in terms of the observations of this Court in the instant writ application.

9. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.05.2018
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