

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2158 of 2016

1. Sushil Kumar Singh Son of Late Kaleshwar Prasad Singh, Resident of Village- Balia, Post Office- Madheli, Police Station- Alam Nagar, District- Madhepura. at present Lecturer in Physics Department (2nd post) K.S. Inter College, Birpur, Supaul.
2. Bibhesh Kumar Singh, Son of Late Ram Prasad Singh, Resident of Village- Sardiha, Via Simari Bakhtiarapur, Police Station- Bakhtiarapur, District- Saharsa. at present Lecturer in Botany Department (2nd post) K.S. Inter College, Birpur, Supaul.
3. Rajiv Kumar Singh, Son of Ramesh Prasad Singh, 'Raman' Resident of Village- Mahua, Post Office- Arraha, Police Station and District Madhepura. at present Lecturer in Economics Department (2nd post) K.S. Inter College, Birpur, Supaul.
4. Uma Shankar Kumar Singh, Son of Late Baidya Nath Singh, Resident of Village- Rajeshwari West, Police Station- Chhatapur, District- Supaul, at present Lecturer in Philosophy Department (2nd post) K.S. Inter College, Birpur, Supaul.
5. Sanjukta Kumari, daughter of Chandeshwar Prasad Singh, Resident of Village and Post Office- Rajeshwari West, Police Station- Chhatapur, District- Supaul. at present Lecturer in Home Science Department (2nd post) K.S. Inter College, Birpur, Supaul.
6. Shiv Shankar Singh Son of Late Ranjan Singh, Resident of Village- Bhagwatpur, Police Station- Mahishi, District- Saharsa. at present Lecturer in Chemistry Department (2nd post) K.S. Inter College, Birpur, Supaul.
7. Arvind Kumar Gupta, Son of Rajendra Prasad Gupta, Resident of Village and Post Office- Birpur, District- Supaul. at present Lecturer in Math Department (2nd post) K.S. Inter College, Birpur, Supaul.
8. Shambhu Kumar Singh, Son of Umesh Prasad Singh, Resident of Village- Pariahi, Police Station- Surpatganj, District- Supaul. at present Lecturer in Sociology Department (1st post) K.S. Inter College, Birpur, Supaul.
9. Abhay Kumar Singh, Son of Late Amarendra Narayan Singh, Resident of Village and Post Office- Rajeshwari, Police Station- Chhatapur, District- Supaul. at present Lecturer in History Department (1st post) K.S. Inter College, Birpur, Supaul.
10. Ajit Narayan Singh, Son of Late Laxmi Narain Singh, Resident of Village and Post Office- Parsarma, Police Station and District- Supaul. at present Lecturer in Economics Department (1st post) K.S. Inter College, Birpur, Supaul.
11. Madhav Kumar Singh, Son of Shivendra Prasad Singh, Resident of Village and Post Office- Basbitti, Police Station and District Supaul. at present Lab Assistant in Botany Department, K.S. Inter College, Birpur, Supaul.
12. Amrendra Kumar Singh Singh, Son of Late Ramanand Kumar Resident of Village and Post Office- Basbitti, Police Station and District Supaul. at present Lab Assistant in Physics Department, K.S. Inter College, Birpur, Supaul.



... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Supaul.
5. The Regional Deputy Director of Education, Koshi Divisional, Saharsa.
6. The District Education Officer, Supaul.
7. The President of Managing Committee, K.S. Inter College, Birpur, Supaul.
8. The Secretary of Managing Committee, K.S. Inter College, Supaul.
9. The Principal, K.S. Inter College, Birpur, Supaul.
10. The Secretary, Bihar School Examination Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate
For the Respondent/s	:	Mr. N. Nayak, AC to AAG
For BSEB	:	Mr. Gyan Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-02-2018 Heard learned counsel for the petitioners and the counsel appearing on behalf of the respondents.

The grievance of the petitioners in the present writ application is denial of share in the grant-in-aid i.e. fund allocated by the State Government on the basis of performance of the students of the institution in question.

From Annexure-22, it appears that District Education Officer, Supaul has requested the Principal of the Institution to ensure payment of all working teaching and non-teaching employee vide letter dated 31.12.2015 but despite the letter of the District Education Officer, Supaul, the Principal of the institution has defied the direction and not paid the sum which



is admissible to these petitioners who were working as non-teaching employee of the institution. The fund allocated by the State Government is required to be used in rationale and reasonable manner. It does not give arbitrary authority to the Principal of the college/institution in question to distribute according to his own sweet will. The scheme regulating allocation of fund by the State Government provided for the check and balance but it appears that officers responsible for regulating such fund are not taking proper action and follow-up action.

From Annexure-22 it appears that District Education Officer, Supaul has written letter to the Principal on 31.12.2017 but it appears that neither the District Education Officer nor the Bihar School Examination Board is taking follow-up action to ensure utilization of the fund in the manner the State Government issued direction for distribution of fund.

Under the aforesaid circumstances, the writ petition is disposed of with direction to the respondent District Education Officer as well as Secretary, Bihar School Examination Board to see that the funds allocated by the State Government is properly utilized and in the event the fund is diverted for any purpose or it is misutilized, they are required to take coercive steps against



the institution in question to ensure proper utilization of the fund and make payment to these petitioners also if they are found entitled to.

This order has been passed by this court under the compelling circumstances as despite service of two advance copies to the respondents at the time of filing of the writ petition on 1.2.2016, the respondents have not bothered to file counter affidavit.

The District Education Officer as well as Secretary, Bihar School Examination Board is required to take corrective steps in the present case at the earliest preferably within a period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

Ravi/-

(Anil Kumar Upadhyay, J)

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