

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9325 of 2016

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Kumari Damyanti, wife of Late Ram Pravesh Singh, resident of New Tola,
Madhopur, P.O. and P.S. Bakhtiyarpur, District - Patna

... .. Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Collectorate, North Gandhi Maidan, Patna
3. The District Education officer, Collectorate, North Gandhi Maidan, Patna
4. The Director, Primary Education, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Sahvind Kumar Sharma, Advocate
For the Respondent/s : Mr. Avinash Kumar- S.C.-30

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 19-04-2018

Heard learned counsel for the petitioner and
learned counsel for the State.

2. Learned counsel for the petitioner is directed to implead the Director, Primary Education, Government of Bihar, Patna, as party respondent no.4.

3. In this case, limited grievance has been raised for payment of rent of the premises, which has been occupied for running the Primary School at the rate of Rs.638/- per month. According to the petitioner, she has not been paid the rent from April, 2006 to January, 2016 and the total amount comes to Rs.75,284/-.



4. A counter affiliated has been filed by the District Programme Officer, Patna, wherein he has accepted the outstanding payment of rent of the said amount and there is no dispute and denial that the petitioner is not entitled to the same. But, the stand has been taken that as the fund is not available, as and when the allotment will come the same will be paid to the petitioner, for that he has addressed a letter to the Director, Primary Education, vide letter dated 12.07.2016, requested to make allotment of the aforesaid amount so that the outstanding dues can be liquidated.

5. In view of the stand taken by the State, it is very much clear that the petitioner is entitled to the aforesaid amount by way of rent and in a specific manner the State has accepted that the premises in which the School was running was taken on rent from the present petitioner.

6. In such view of the matter, this Court issues *manadmus* to the resplendent-Director, Primary Education, Bihar, Patna to release the fund of the rent, amounting Rs.75,284/- to the District Programme Officer within a period of 8 (eight) weeks from the date of receipt/production of a copy of this order. In turn, the District Programme Officer, Patna, on receipt of the aforesaid amount, will make payment to the



petitioner within 2 (two) weeks thereafter.

7. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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