

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25310 of 2013

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Suraj Lal Prasad Son Of Late Dip Lal Sah Resident Of Village And P.O. Tarwara, Police Station- G.B. Nagar (TARWARA), District Siwan, The Then Headmaster, Basic School Mahabirganj, Anchal Barharia, District Siwan, At Present Posted A Block Education Officer, Sidhwalia, Anchal Sidhwalia, District Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Education Department, Government Of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, Siwan
4. The District Education Officer, Siwan
5. The District Education Officer, Gopalganj
6. The District Programme Officer (Establishment), Gopalganj
7. The District Programme Officer, Primary Education & Sarv Shiksha Abhiyan, Siwan
8. The Assistant Engineer, Bihar Education Project, Siwan
9. The Accounts Officer, Bihar Education Project, Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the State : Mr. R.K.Chandran, AC to GP-19

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 24-09-2018

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

The petitioner has filed the present writ petition for quashing of the order contained in Memo No. 88 dated 22.8.2013, whereby the respondents have fixed the liability upon the petitioner for refund of the amount advanced to the petitioner in connection with construction of school building under the Sarva Shiksha Abhiyan.



Learned counsel for the petitioner submits that the respondents after measurement had come to the conclusion that Rs. 2,29,409/- is payable by the petitioner, whereas according to the petitioner, as per the real measurement of the work contained in Annexure-7 and 8 series of I.A. No. 6355 of 2018, nothing is payable by the petitioner.

In the matter of measurement the respondents have to work out the liability of the petitioner afresh and if the measurement contained in Annexures 7 and 8 series indicate that nothing is payable by the petitioner in connection with construction for which the advance was given to the petitioner then appropriate decision may be taken by the respondents. Necessary decision in this regard on the basis of Annexures 7 and 8 series must be taken by the respondents at the earliest preferably within a maximum period of four months from the date of receipt/production of a copy of this order.

While determining the liability of the petitioner the respondents have to provide opportunity to the petitioner of hearing so that he may establish that advance given to the petitioner was properly utilized.



Annexure-6 shall not be given effect to until fresh determination of liability after taking into account Annexures 7 and 8 series.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.09.2018
Transmission Date	

