

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13803 of 2017

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Raghwendra Narayan Rakesh, Son of Late Balmiki Sharma, resident of village Orbigha, P.S. Karpi Bansi, District Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Secondary Education, Budh Marg, Patna.
4. The District Education Officer, Arwal.
5. The District Provident Fund Officer, Arwal.
6. The Treasury Officer, Arwal.
7. The Accountant General, Bihar, Patna.
8. Head Master, Bhagwat High School, Sahar Telpa (Arwal).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Accountant General : Mr. Kameshwar Prasad Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 15-05-2018

Heard learned counsel for the petitioner; State and
Accountant General.

2. The petitioner has moved the Court for the following
reliefs:

“ That this is an application on behalf of the petitioner for issuance of a writ in the nature of mandamus commanding and directing the respondent-authorities to pay him the amount of post retrial benefits; such as General Provident Fund (G.P.F.), group insurance, leave salary, gratuity, with statutory interest, and one month salary for July, 2016 and to start making payment of the monthly pension to the petitioner from the date of his retirement i.e. 31.07.2017 and the petitioner also prays for issuance of an appropriate writ/order/direction to which the petitioner may be



found legally entitled to in the facts and circumstances of the present case as stated hereinafter.”

3. Right from the beginning, the stand of the authorities was that the petitioner has not submitted his ‘No Dues Certificate’ and the reason was that for the period he was Incharge Headmaster of the school in question, he had not handed over full charge to his successor.

4. The Court initially was persuaded by the submissions made on behalf of the petitioner that had he not handed over charge then how his successors could have worked and discharged their duty on the post of Headmaster and finally, the Court had directed the District Education Officer, Arwal to conduct an enquiry and submit a report by order dated 16.04.2018 and he was also directed to be present in Court today. He is present in Court and has submitted his report in a sealed cover. Perusal of the same discloses that there is indication to the effect that the petitioner never handed over full charge of the post of Headmaster to his successor. The enquiry was conducted in presence of both the successor Headmasters as well as the petitioner and according to the respondent no. 4, the petitioner had taken the stand that the original documents which he had produced were not with him and was at his house which he shall get within two days. He further submitted that after two days, when he



did not come, the respondent no. 4 telephonically talked to him and again he said that it was in Patna but the same was never produced before the respondent no. 4. On the issue as to how the other persons had discharged their duty without the petitioner submitting full charge, the respondent no. 4 submitted that right from January, 2014, when the petitioner had handed over charge of the post to his successor, new registers have been opened and duplicate pass-book had also been obtained so that the work did not suffer.

5. Having regard to the aforesaid, when the Court showing indulgence under the belief that the petitioner was stating the correct thing of handing over the charge, the same stands disapproved by the conduct of the petitioner before the enquiry conducted by the respondent no. 4, under orders of the Court, and also the fact that he had admitted that the original was with him, and the successors of the petitioner taking a stand that whatever documents were being shown, their signature on the same were scanned signature and not the genuine signature made by them, the petitioner was obliged to produce the originals. The Court would pause here. The original of the said documents being with the petitioner and not produced before the respondent no. 4 during the enquiry, despite time taken to do so, itself raises serious doubts about the authenticity of the documents and the conduct of the petitioner.



6. Be that as it may, without going into those aspects and recording a finding, suffice to say that once the Court is convinced that there are serious disputes and doubts on facts, which are based on cogent grounds, coupled with the fact that the conduct of the petitioner before the officer, who was conducting an inquiry in terms of the order of the Court, the Court does not find any ground to interfere in the matter.

7. Accordingly, the writ petition stands dismissed with the observation that as an when the petitioner satisfies the authorities with regard to the charge having been handed over by him to his successor, in accordance with law, or even now does so; based upon the same, the authorities shall process the remaining claim of the petitioner and pay him, in accordance with law. The report submitted by the respondent no. 4, be kept on record. His personal appearance stands dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

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