

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16672 of 2017

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1. Satya Narayan Prasad Verma, Son of Late Ram Sudin Prasad Verma, resident of Mohalla Bhakarwan, P.O. & P.S.- Daud Nagar, District- Aurangabad.
 2. Kaushal Kishor Singh, Son of Late Lachhmi Singh, resident of Village & P.O.- Jamuawan, P.S.- Daud Nagar, District- Aurangabad.
 3. Abdul Kayum Ansari, Son of Late Md. Yakub Ansari, Resident of Village & P.O.- Akauni, P.S.- Daud Nagar, District- Aurangabad.
 4. Rameshwar Singh, Son of Late Ramlal Singh, resident of Village Repura, P.O.- Akauni, P.S.- Daud Nagar, District- Aurangabad.
 5. Satyanarayan Singh, Son of Shiv Datt Singh, resident of Village & P.O. Masidpur, P.S. Parasi, District- Arwal.
 6. Abdul Sattar Ansari, son of Abdul Sakur Ansari, resident of village & P.O.- Khuthan, P.S.- Haspura, District- Aurangabad.
 7. Lachhman Singh Yadav, Son of Late Deepan Singh, resident of village- Karmahi, P.S.- Daud Nagar, District- Aurangabad.
 8. Md. Yunus Mian, son of Navihasan Mian, resident of village & P.O. Malhad P.S. Bandaiya, District Aurangabad.
 9. Akabar Hussain, son of Late Ehsan Mian, resident of Village Tarar, P.S. Daud Nagar, District- Aurangabad.
 10. Balanand Tiwari, son of Late Suryanath Tiwari, resident of Village- P.O. Repura, P.O.- Akauni, P.S.- Daud Nagar, District- Aurangabad.
 11. Chandradeo Singh, Son of Late Leeladhar Singh, resident of Village Mishra Bigha, P.O Tarar, P.S. Daudnagar, District- Aurangabad.
 12. Haseena Khatoon, son of Late Farooque Ansari, resident of Village P.O. - Akauni P.S.- Daud Nagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Human Resources Development Department Bihar, Patna.
2. Director Primary Education Bihar Patna office at New Secretariat Patna.
3. District Magistrate, Aurangabad.
4. District Education Officer Aurangabad.
5. District Programme Officer (Establishment).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh
For the Respondent/s : Mr. S. C. Mishra - Sc16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 25-04-2018



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

Petitioners are retired Assistant Teachers. They have filed the present writ application for a direction to the respondents to consider their case in the light of the fundamental rules i.e. Rule 22(1)(a)(i).

The contention of the petitioners is that respondent No. 3 has illegally directed recovery from the post retiral dues of the petitioners.

In view of the judgment of the Apex Court in the case of State of Punjab & Ors. Vs. Rafiq Masih (white washer), etc.: 2015 (1), PLJR (SC) 261= (2015) 4 SCC 334, the apprehension of the petitioners appears to be misconceived as the said judgment does not permit recovery from the superannuated employee, if no fraud is committed by the employee concern.

In view of the above, the Court hereby direct the respondents not to make recovery from the post retiral dues from the petitioners, if any amount is paid in excess to the petitioners.

So far as the grievance of the petitioners with regard to non-compliance of the fundamental Rule 22(1)(a)(i) is concerned, the petitioners shall be at liberty to file representation before the District Education Officer, Aurangabad, who shall consider the



representation objectively and decide the same by a reasoned and speaking order within a period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	2.6.2018
Transmission Date	

