IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17973 of 2016

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Md. Shahnwaz Alam Son of Md. Zamil Akhtar, Resident of Village- Baisa Gopalganj, Police Station- Bahadur Ganj, Post office- Bishanpur, District- Kishanganj, Presently posted as Assistnat Teacher at Upgraded Middle School, Laucha Tegharia, Block- Bahadurganj, District- Kisanganj.

... ... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Education Department, Bihar, Patna.
3. The District Magistrate-cum-Collector, Kishanganj.
4. The District Education Kishanganj. null null
5. The District Program Officer II, Sarv Siksha Abhiyan, District- Kishanganj.
6. The Block Education Officer, Block- Kishanganj.
7. The Assistant Engineer, Bihar Education, Project, Kishanganj.
8. The Junior Engineer, Bihar Education, Project, Kishanganj.
9. The Supervisor, Bihar Education Project, Kishanganj.
10. The School Education Samiti, Upgraded Middle School, Locha, Tegharia.
11. The Circle Officer, Bahadurganj, Circle.
12. Md. Husnain Alam.
13. Md. Hashim, both respondent Nos 12 and 13 are Sons of Late Raisuddin, Resident of Village- Tegharia, Post office- Baisha, Police Station- Bahadur Ganj, District- Kishanganj.
14. Afsarari Begam, Wife of Majbur Rahman, Resident of Village- Tegharia, Post office- Borha, Police Station- Bahadurganj, District- Kishanganj.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad
For the Respondent/s : Mr.Subhash Chandra Mishra, SC-16

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 01-05-2019 The present writ petition has been filed for quashing the order dated 05.09.2016 passed by the District Programme Officer, Kishanganj, whereby and whereunder the petitioner has been directed to deposit a sum of Rs. Ten lacs an odd as also has prayed by way of amendment for quashing of the order dated 30.06.2018 issued under letter no. BEP-680 by the District Programme Officer, respondent no. 5, whereby and whereunder recovery has been directed to be made from the petitioner

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herein.

The learned counsel for the respondents, referring to the counter affidavit filed by them has submitted that the construction has been made on a plot which does not belong to the Government, hence the respondents are seeking to recover the amount which has been spent by the petitioner herein wastefully and illegally.

In view of the disputed questions of fact involved in the present case, I deem it fit and proper to relegate the petitioner to the remedy of filing a representation before the District Magistrate, Kishanganj within a period of four weeks from today, alongwith all the documents in his defence, which shall be adjudicated on merits and disposed off within a period of eight weeks thereafter.

It is needless to state that till the final decision is taken by the District Magistrate, Kishanganj, the recovery sought to be made from the petitioner shall remain stayed.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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