

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17080 of 2013

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Arun Kumar Singh Son of Late Sukha Nandan Singh Resident of Village-
Prabodhi Narendra, P.O.- Sarai, District- Vaishali, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
2. The Principal Secretary Human Resources Development Department, Govt. of Bihar, Patna
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The Project Director, Bihar Educational Project Council, Sarva Shiksha Aviyan, Rajbhasha Parishad, Saidpur, Patna
5. The District Education Officer, Vaishali
6. The District Programming Officer, Sarva Siksha Abhiyan, Bihar Education Project, Vaishali at Hazipur
7. Block Education Officer, Vaishali at Hazipur
8. Smt. Namita Bhardwaj, Gender Equity Consultant, Bihar Education Project Council, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Aditya Prakash Sahay
For the State	:	Mr.Kaushal Kr Jha, AAG-14
		Mr. Manish Kumar, A.C. to AAG-6
For the B.S.E.P.	:	Mr. Girijesh Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 08-01-2019 Heard the learned counsel for the petitioner and the

learned counsel appearing on behalf of the State as well as the

Bihar State Education Project.

The petitioner has challenged the order dated
14.5.2013 issued by the District Education Officer, Vaishali,
whereby and whereunder 25% of the salary of the petitioner has
been directed to be recovered till realization of a sum of Rs.
8,88,600/- as well as for quashing the order dated 13.03.2013
issued by the District Education Officer, Vaishali, whereby and



whereunder the petitioner has been directed to refund a sum of Rs. 8,88,600/-. The petitioner has further prayed for quashing of the consequential order dated 22.08.2012.

The learned counsel for the petitioner has submitted that the aforesaid order has been passed behind the back of the petitioner without affording any opportunity of hearing to the petitioner herein and without compliance of the principles of natural justice inasmuch as admittedly no show cause has been asked from the petitioner before passing the order of recovery.

The learned counsel appearing for the respondents do not dispute the aforesaid position existing on facts.

Having regard to the facts and circumstances of the case, the writ petition is allowed and the aforesaid impugned orders dated 14.05.2013, 13.03.2013 and 22.08.2012 are quashed and the matter is remanded back to the Director, Primary Education, Government of Bihar, Patna, who may after issuing appropriate show cause notice and hearing the petitioner pass appropriate orders, in accordance with law.

(Mohit Kumar Shah, J)

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