

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13761 of 2019

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Arun Kumar Sharma, Son of Ramchandra Singh, Rtd. Assistant Teacher,
Upgraded High School, Siyampur, Bedhariya, Paliganj Patna, Resident of
village Siyampur, P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of
Education Govt. of Bihar, Patna.
2. The District Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer (Establishment), Patna.
6. The Treasury Officer, Danapur, Patna.
7. The Block Education Officer, Paliganj, Patna.
8. The Incharge Head Master, Upgraded High School, Siyampur, Paliganj,
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate Mr. Pramod Kumar, Advocate
For the Respondent/s	:	Mr. Jai Prabhat Kishore, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 10-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner superannuated from service on
31.01.2017. Thereafter, the petitioner filed an application before
the District Education Officer for releasing his post retiral dues.
He has obtained 'no dues' certificate from the successor
Incharge Headmaster. However, for the financial years 2014-15
and 2015-16 certain amount was withdrawn by the petitioner as



Incharge Headmaster. There is no explanation regarding withdrawal of Rs. 62,752/- for the financial year 2014-15 and Rs. 1,75,100/- for the financial year 2015-16 and as such the authorities deducted Rs. 2,37,852 from the account of the petitioner. Now the petitioner claims that he was issued no dues certificate by the Incharge Headmaster and therefore, no amount can be realized from him and as such he has filed the present writ application for a direction to the respondents to grant relief as prayed for in para-1 of the writ petition as also refund of the amount which has been debited from his Bank Account.

Instead of going through the controversy whether the petitioner was issued no dues certificate with regard to the amount in question or not, the writ petition is disposed of with a direction to the respondents to examine the record and if the petitioner has utilized the amount for lawful purposes, the same may be considered by the respondents in the matter of adjustment of the dues and if nothing is payable by the petitioner, the respondents shall refund the amount of Rs. 2,37,852 to the petitioner or in case the amount is to be realized from the petitioner, the respondents shall adjust the amount with opportunity of hearing to the petitioner. Necessary decision in this regard must be taken by the respondents within a maximum



period of 60 days from the date of receipt/production of a copy
of this order.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

spandey/-

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