

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2287 of 2017

=====

Md. Hamiduddin S/o Late Zehuri Mian, Resident of Village-Chhoti Baliya
(Upper tola) Near Urdu Maktab Shaidanchak, P.S.-Baliya, District-Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Education Department, Government of Bihar, Patna.
3. The District Magistrate, District-Begusarai.
4. The District Education Officer, Begusarai.
5. The District Programme Officer, Education, Begusarai, District-Begusarai.
6. The Accountant General(A&E) Bihar, Patna
7. The Treasury Officer, Begusarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr.Subhash Chandra Mishra- S.C.16 Mr. Ajit Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 18-05-2020 Nobody appears on behalf of the petitioner.

Heard Mr. Subhash Chandra Mishra(S.C.16), learned
counsel for the State and Mr. Ajit Kumar, learned counsel for
the Accountant General.

The petitioner filed this writ petition for a direction to
the respondents particularly respondent No.2, the Director,
Education Department, Government of Bihar, Patna to pay the
entire retiral benefits to the petitioner.

It appears that petitioner retired on 31.01.2015. His
provisional pension upto 90% has already been sanctioned. The



petitioner also got other retiral benefits but the leave encashment and some amount of the gratuity have been withheld on the ground that the petitioner defalcated more than Rs.25,34,160/-. It is stated that the petitioner withdrew huge amount of more than Rs.30 lacs and he constructed the rooms of the school only worth about Rs.6 lacs and, therefore, the petitioner misappropriated Rs.25,34,160/- for which a certificate case as well as Begusarai Mufassil P.S. Case No.394 of 2015 was registered under Section 409, 420 of the Indian Penal Code against the petitioner.

Learned counsel for the petitioner took adjournment for filing reply to the counter-affidavit but till date no reply to the counter-affidavit has been filed.

I find that since the certificate case and criminal case both are pending on account of the fact that the petitioner himself withdrew more than Rs.30 lacs in the capacity of In-charge Headmaster of the school for construction of school buildings but the petitioner during the span of ten years completed construction of worth about Rs.6 lacs and thereby on the face of it, it appears that petitioner has defalcated huge public money amounting to Rs.25,34,160/- and, therefore, the authority has rightly withheld 10% pension and the amount of



leave encashment and gratuity during the pendency of the certificate case instituted for realisation of the amount and the criminal case. Thus, I do not find any merit in this writ petition at this point of time during the pendency of the criminal case and the certificate case.

Accordingly, this writ petition is dismissed.

(Prabhat Kumar Jha, J)

Saurabh/-

U			
---	--	--	--

