

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6612 of 2017

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Usha Kumari Choudhary W/o Arun Kumar Choudhary R/o Village and Post -
Karjapatti, P.S. Kamtaul, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary State of Bihar, Department of Education, Patna.
3. The District Collector, District Darbhanga.
4. The District Planning Officer Estb., Darbhanga.
5. The Block Development Officer, Singhwara, District Darbhanga.
6. The District Planning Officer, Mid-day-Mill Scheme District - Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Mohan Mishra
For the Respondent/s	:	Mr.A.R. Pandey- AAG-15
		Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 08-06-2020 This writ petition was filed on 29.4.2017 after serving two advance copies of the brief on the office of the Advocate General. The case was listed on 3.4.2018 and four weeks time was granted to the State to file counter affidavit. Unfortunately, no counter affidavit has been filed till date.

Mr. Girijish Kumar, learned counsel appearing on behalf of the District Planning Officer, Mid-day-Mill Scheme District - Darbhanga would submit that so far recovery is concerned, the same has been stayed by this Court in CWJC No. 1776 of 2017. So far as the issue with regard to payment of post retiral dues is concerned, the respondents have competence to



take appropriate decision.

From the materials available on the record, it appears that at the relevant time when the petitioner was working as Headmistress, a show cause notice was issued pointing out certain irregularity in the distribution of midday meal. The petitioner was asked to submit her explanation and thereafter on 9.7.2015 show cause was filed by the petitioner which was accepted and the petitioner was exonerated from the charges. It appears that later on on the application of one Laxmeshwar Tiwary, once again enquiry started against the petitioner with regard to the irregularity in distribution of midday meal. The charge was with regard to irregularity to the tune of Rs. 2,59,459/-.

Counsel for the parties submit that issue with regard to recovery of Rs. 2,49,459/- is subject matter of CWJC No. 1776 of 2017 and analogous cases. So far as the issue with regard to departmental proceeding pursuant to the letter dated 7.12.2016 is concerned, if the proceeding has not culminated on completion of departmental enquiry, the respondents are hereby restrained from proceeding any further. They are under obligation to settle all post retiral dues of the petitioner.

So far as Rs. 2,59,459/- is concerned, the decision in



CWJC No. 1776 of 2017 shall govern the issue of recovery part.
Since the petitioner superannuated in 2016, the Court directs the respondents to make payment of all post retiral dues reserving Rs. 2,59,459/- within a period of one month failing which the entire arrears will carry interest at the rate of 9% from the date of retirement till the date of actual payment.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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