

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15875 of 2019

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Mohammad Nezam Uddin, S/o Md. Abul Barakat, Ward No.04, Thana
Udakishunganj, Singarpur, Nazir Tola, Naya Nagar, PS Udakishunganj,
Dist.Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna
2. The Director, Primary Education and Sarva Shiksha Abhiyan, Bihar, Patna
3. The Deputy Director, Regional Education, Munger Division, Munger.
4. The District Magistrate, Khagaria
5. The District Education Officer, Khagaria
6. The District Programme Officer, Primary Education and Sarva Shiksha
Abhiyan, Khagaria
7. The District Programme Officer (Establishment), Education
Department, Khagaria
8. The Accountant General, Bihar, Birchand Patel Path, Patna
9. The Treasury Officer, Khagaria
10. The Block Education Officer, Gogari
11. Pramod Kumar Rajak, Junior Engineer, Education Department, PS
Khagaria, Dist. Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Ranjeet Kumar Singh, Advocate
For the State	:	Mr. Madanjeet Kumar, G.P.-20
		Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-06-2020 This matter has been listed today for consideration

through video conferencing in view of the nationwide lockdown

on account of COVID-19 pandemic.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from



their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner has approached this Court for payment of his post retiral dues.

It is the case of the respondent-authorities that while the petitioner was posted as Headmaster in the School in Phulwaria at Khagaria, certain work was executed which was found to be of inferior quality. The cost of the work was Rs.9 lacs. On basis of spot verification of the construction, the petitioner has been held liable for the sub-standard and incomplete work executed to the tune of Rs.9 lacs. As such, the dues other than the monthly pension, which has been started from March, 2019, have not be paid to the petitioner.

The petitioner's Counsel submits that no enquiry has been done in accordance with law till date. He submits that the petitioner is suffering derivation of his other retiral dues since "No Dues Certificate" has not been issued by the District Programme Officer, Khagaria. He further submits that he is willing to satisfy the authority that actually there are no dues pending against the petitioner.

In view of the nature of submissions, this Court is not



called upon to adjudicate any issue. The authorities, if they are of the view that the matter is to be examined, would be at liberty to call upon the petitioner to clarify with reference to any documents whether he is liable for execution of sub-standard work to the tune of Rs.9 lacs during his tenure as Headmaster, and whether any dues are pending against him, but within eight weeks from the date of receipt/production of a copy of this order. Authority would be obliged to pass a reasoned and speaking order within four weeks thereafter. In case the respondents do not avail the liberty granted under this order within the time specified, they would be precluded from doing so.

The petitioner, thereafter shall become entitled to payment of all his dues and admissible post retiral dues, expeditiously and without any delay.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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