

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7709 of 2020

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Md. Sarfuddin Ansari @ Sarfuddin S/o Late Falur Rahman, R/o Mohalla-
Karamganj, P.S. Laheriasarai, District- Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate-cum-Collector, Madhubani.
2. The Block Development Officer, Madhepur Block, District- Madhubani.
3. The District Certificate Officer, Madhubani.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Akash Chaturvedi

For the Respondent/s : Mr.Sushil Kumar Singh, AC to AG -10

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

8 08-03-2021 Heard Mr. Akash Chaturvedi, learned counsel for

the petitioner and Mr. Sushil Kumar Singh, learned A.C. to

A.G. -10 for the State.

This writ petition has been filed for quashing of the

order dated 27.04.2020, whereby the Certificate Officer,

Madhubani has found the petitioner to be guilty of

misappropriation of funds of Indira Awas Yojana and has

saddled the responsibility of returning that amount of Rs.

25,17,500/- within a month of passing of the order, on the

petitioner.

Learned counsel for the petitioner has submitted



that an inquiry was conducted with regard to the distribution of fund of Indira Awas Yojana in Madhepur Block by the Block Development Officer, Jhanjharpur and it was found that some irregularities had been committed in the distribution of the funds. The fact that the petitioner had taken up the charge on a later date and the fact that the list of the beneficiaries under the scheme was given to him in his capacity as Incharge Officer for disbursement, has not at all been taken into account while holding the petitioner liable for having misappropriated the aforesaid quantified amount.

The order, it has been urged, does not take into account the circumstances under which the money was distributed to the beneficiaries and the explanation given by the petitioner. The order passed by the Certificate Officer, Madhubani notes/lists only a general ground that the rules with regard to the disbursement of the funds were bypassed. Which of the beneficiaries were not entitled for such payment and who were paid the amount at the instance of the petitioner has not been stated.

The counter affidavit also is absolutely vague so



far as this aspect is concerned. What the counter affidavit states in general is that the petitioner who was working as Urdu Translator had been given the responsibility of distribution of money under the Indira Awas Scheme at Madhepur Block in which some irregularities were found.

How the figure of Rs. 25,17,500/- was arrived at, has not been stated nor has it been clarified in the counter affidavit. The aspect of conspiracy which was allegedly hatched up with the petitioner as one of the participants, is also not clear from the Three Member Committee report.

The order impugned does not appear to be sustainable in as much as the grounds raised by the petitioner have not at all been considered.

Many persons have been made accused in this case and there does not appear to have been any effort on the part of the Certificate Officer, Madhubani to take into account the result of the investigation on the F.I.R., which has been lodged against the petitioner.

In any view of the matter, the order does not give any necessary detail for this Court to put its imprimatur



upon.

The impugned order for being vague, is set aside.

The Certificate Officer, Madhubani is directed to pass a fresh order in accordance with law within a period of sixty days from the date of receipt / production of a copy of this order.

The writ petition stands disposed of.

(Ashutosh Kumar, J)

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