

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12335 of 2018

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Dilip Kumar Singh, son of Late Ramdeo Singh, resident of Village-
Galimapur, P.O. Masharak, P.S. Taraiya, District- Saran at Chapra, Pin Code-
841817.

.. ... Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Department of Education, Government of Bihar, Patna.
3. The Collector-cum- District Magistrate, Vaishali at Hajipur.
4. The District Programme Officer, Establishment, Vaishali at Hajipur.
5. The Block Development Officer, Goraul, Vaishali at Hajipur.
6. The Block Education Officer, Goraul, Vaishali at Hajipur.
7. The Panchayat Secretary, Gram Panchayat Raj, Kanhauli Dhanraj, P.O. Kanhauli, P.S. Mahua, Block- Goraul, District-Vaishali at Hajipur.
8. The Head Master, Primary School, Mahadeo Math Anchal Goraul, District- Vaishali at Hajipur.

.....Respondent 1st Set

9. The Chairman, Uttar Bihar Gramin Bank, Head Office- Kalambagh Chowk, Muzaffarpur, Pin 842001.
10. The Regional Manager, Uttar Bihar Gramin Bank, Regional Office, Ramashish Chouk, Hajipur, Pin- 8441
11. The Branch Manager, Uttar Bihar Gramin Bank Kanhauli, P.S. Mahua, District- Vaishali at Hajipur.

.....Respondent 2nd Set

12. Smt. Indu Yadav, Panchayat Teacher.
13. Sri Rakesh Kumar, Panchayat Teacher.
14. Sri Rajesh Kumar Paswan, Panchayat Teacher.

.....Respondent 3rd Set

... ... Respondents

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Appearance :

For the Petitioner/s :	Mr.Jeetendra Narayan, Advocate Mr. Amit Narayan, Advocate
For the State :	Mrs Binita Singh, SC-28 Mr. Nishant Kumar Jha, AC to SC-28
For the Bank :	Mr. Prabhakar Jha, Advocate Mr. Mukund Mohan, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 05-10-2021

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

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition-

“(i) To directing the respondent authorities specially to respondent 2nd set to speedily release the partly reimbursed amount in the tune of Rs.184465/- (Rupees One lac Eighty Four thousand Four hundred and Sixty Five only) which has been realised from the retiral benefit of the petitioner just in mechanical manner.

(ii) To consequentially direct the respondent 1st set to pay the rest of excess paid amount in the tune of Rs. 184465/- (Rupees one lac Eighty four thousand Four hundred and sixty five only) which has been transferred in the Bank account of respondent 3rd set due to laches of Core Banking System or Human error.

(iii) To further direct the respondent to pay the aforementioned amount with interest @ fixed deposit scheme of the concern Bank.

(iv) For issuance of such other writ (s), order (s), direction (s) as your Lordships may deem fit and proper for which writ petitioner is entitled to.”

3. The short facts of the case according to the petitioner are that he superannuated on 31.01.2016 as Branch Manager of



Uttar Bihar Gramin Bank, Bhadurpur Branch under the Regional Branch, Chapra, Saran. When the petitioner was posted as Branch Manager of the said Bank, Kanhauli Branch, a saving bank account of Panchayat Raj Kanhauli Dhanraj bearing Account No. 1000271110000050 was running and operated under the joint signatures of the Mukhiya and Panchayat Secretary of the said Panchayat. Owing to laches of core banking system, an amount of Rs.2,97,665/- was credited into the said account on 27.10.2011, which was then recovered from the petitioner's Account No. 1005831030006850 together with interest of Rs.57,800/- up to 16.02.2016. The petitioner objected to such recovery and in due course, an amount of Rs. 1,71,000/- was transferred to the petitioner's bank account.

4. Learned counsel for the petitioner submits that the disputed amount of Rs. 2,97,665/- was transferred into the account of Panchayat Raj Kanhauli-Dhanraj because of fault in the core banking system and not by reason of mistake on the part of the petitioner. This aspect is very much clear from the fact that partial refund has already been made by the respondent-Bank into the account of the petitioner to the extent of Rs. 1, 71,000/-, as such, there is no justification for withholding the remaining amount of Rs.1,84,465/- recovered from the petitioner.



5. Learned counsel for the Bank, on the other hand, refers to the counter affidavit to submit that the petitioner wrongly/knowingly made credit entry to the tune of Rs.2,97,665/- into the account of the Panchayat Raj Kanhauli Dhanraj, which was withdrawn by the account holder. Thereafter, the Bank was able to realise Rs.1,71,000/- from the aforesaid Gram Panchayat Raj, which was duly refunded to the petitioner. A statement is made in paragraph 11 of the counter affidavit to the extent that whenever the remaining amount is realised from the Panchayat, the same would be paid back to the account of the petitioner.

6. Having heard the parties and on a consideration of the materials on record, this Court is not inclined to interfere in the matter. The stand of the petitioner that the amount was transferred into the account of Gram Panchayat Raj was owing to lapses in the core banking system has been disputed by the respondent bank, which has taken a stand that such transfer was made by the petitioner wrongly/knowingly into the account of the Gram Panchayat Raj. In paragraph 11 of the counter affidavit, it has been stated that it was owing to omission and commission of the petitioner that has led to recovery from the petitioner. The specific and categorical stand of the Bank has not been controverted by the petitioner and no rejoinder in this regard has



been filed. The claim and contention of the petitioner therefore, essentially involves a disputed question of fact and cannot be resolved in the present writ proceeding.

7. The writ petition accordingly stands dismissed.

8. Needless to say, the petitioner shall be at liberty to file a representation before the appropriate authority for redressal of his grievances.

(Vikash Jain, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	08.10.2021
Transmission Date	N.A.

