

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12112 of 2019

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Laxmi Singh S/o Hari Keshwar Singh Vill.- Mahadiganj, P.O.- Sasaram, P.S.-
Sasaram Distt.- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Govt. of Bihar, Patna
2. The Collector Rohtas at Sasaram
3. The District Education Officer Rohtas at Sasaram
4. The District Education Programme Officer Rohtas at Sasaram
5. The Block Development Officer Sasaram, Distt.- Rohtas
6. The Block Education Officer Sasaram, Distt.- Rohtas, Rohtas
7. The Headmaster in-Charge Middle School, Mehaddiganj, Sasaram
8. Sri Anil Kumar Verma Prakhhand Teacher, Middle School, Mahadiganj, Sasaram, at Present posted as Assistant teacher in Middle School, Jaipur, Distt.- Rohtas, permanent address S/o Kumar Shashi Bhushan, R/m Balua Tola, Mahadiganj Sasaram, P.S. Sasaram (M) District, Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Chandra Mohan Jha, Advocate
For the Respondent/s	:	Mr.Vishal Saurabh, Advocate
		Mr. Sujit Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 26-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- i. For issuance of an appropriate writ/writs directing the respondent authorities for taking a serious step or proper inquiry against the private respondent no.8 who has embezzled the huge public money about 35 Lakhs which was sent to him by the Government under the Serva Shiksha Abhiyan for the benefit of the students and school while he was discharging his duty in capacity of Financial incharge of the school namely Madhya Vidyalaya, Mahaddiganj, Sasaram, District, Rohtas for the Financial Year of 2011-12 to 2015-16.
- ii. For taking the further step/steps towards the

realization of public money to its hands as it deemed fit and proper under the facts and circumstances of the case.

iii. For the relief / reliefs in favour of the public as it deem fit and proper in the case.”

Counter affidavit has been filed by the District Programme Officer (Estb.) Rohtas, stating therein that pursuant to complaint made against the private respondent no. 8 before the District Magistrate, Rohtas, enquiry was entrusted to the District Education officer, Rohtas, and pursuant to which enquiry report dated 15.07.2017 was submitted, in which charges against the private respondent No. 8 was found to be true and thereafter DEO, Rohtas, vide his letter dated 27.03.2016, directed the DEO, Sasaram to institute FIR against private respondent no. 8, who further directed vide letter dated 30.08.2016 to the Incharge Headmaster of the School, to lodge FIR against private respondent no. 8.

Private Respondent No. 8 challenged the enquiry report and accordingly, the DEO, Rohtas vide letter dated 08.09.2016 constituted a Three Man Committee to enquire into the allegations of financial embezzlement done by private respondent no. 8, which conducted the enquiry and submitted its report dated 06.06.2017 in which charges against the private respondent no. 8 was found to be true and thereafter the DEO, Sasaram vide letter dated 22.11.2017, referred the matter to

Block Education Officer, Sasaram, for appropriate action.

It is submitted on behalf of petitioner that in spite of recommendation for appropriate action against private respondent no. 8 made way back on 22.11.2017, no action has been taken against private respondent no. 8 and a representation dated 16.07.2018 was also filed before the District Magistrate, Rohtas at Sasaram, but said representation is still pending.

Notices were issued to the private respondent no. 8 who appeared and filed his counter affidavit in which it has been stated that a full fledged enquiry was conducted and after examining the records the Sukh Suvidha Committee of the School discharged private respondent no. 8 from all the allegations vide letter no. 181 dated 13.02.2018 issued by Block Development Officer, which was issued pursuant to letter dated 22.11.2017.

There being claim and counter claim by the petitioner as well as private respondent no. 8, such disputed question of fact cannot be adjudicated in writ petition, as such writ petition is disposed of with liberty to the petitioner to file a detailed representation before the District Magistrate, Rohtas at Sasaram along with all relevant documents and enquiry report and District Magistrate, thereafter within three months decide the

representation of the petitioner after hearing all the concerned parties including private respondent no. 8.

Accordingly, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay-ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.08.2022
Transmission Date	NA