

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.500 of 2021

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Banaras Singh Son of Late Raghunandan Singh, Resident of Village- Noor
Nagar Kanhi, P.O.- Kanhi, P.S.- Jalalpur, District- Saran at Chhapra.

... .. Appellant/s

Versus

1. The Chairman, Punjab National Bank H.O. 7, Bhikhaji Camaji Place, New Delhi-110066.
2. The General Manager, Punjab National Bank, H.R.D. Division H.O. 7, Bhikhaji Camaji Place, New Delhi-110066.
3. The Zonal Manager, Punjab National Bank (Patna Zone), R. Block, 2nd Floor, Near Chankaya Hotel, Veer Chand Patel Path, Patna, Bihar-800001.
4. The Regional Manager, Punjab National Bank, 2nd Floor, Abhay Bhawan, Frazer Road, Patna.
5. The Branch Manager, Punjab National Bank, Jalalpur, P.S.- Jalalpur, District- Saran, Pin Code-841412.
6. The Bihar School Examination Board through its Secretary.
7. The State of Bihar.
8. The District Education Officer, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Aditya Narayan Singh, Advocate Mr. Sanjay Kumar, Advocate Mr. Kundan Kumar, Advocate
For the P.N.B.	:	Mr. Suresh Prasad Singh, Advocate
For the BSEB	:	Mr. Gyan Shankar, Advocate
For the State of Bihar	:	Mr. P. K. Verma, AAG-3

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR

PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 10-11-2022

We have heard Mr. Aditya Narayan Singh, learned
Advocate for the appellant, Mr. Suresh Prasad Singh for
the Punjab National Bank and Mr. Ghosarwe for the



State.

On 19.10.2022, after having heard the learned counsel for the parties, this Court was of the view that the stand of the State be clarified, as the embargo on operation of the account of the Institution in question, maintained with Punjab National Bank, had been lifted, thereby paving way for its operation by the Principal and the senior most Teacher of the College/Institution. The difficulties arose when the District Education Officer, Saran at Chapra wrote a letter to the Branch Manager of Punjab National Bank, Jalalpur Branch, Chapra that the operation of the account be permitted only on the sanction of the Expenditure Management Committee/Ad-hoc Committee. The Bank perhaps was of the impression that the ban over the operation of the bank account of the Institution was not fully lifted and it further required sanction of one of the Committees of the Institution. Considering this aspect of the matter and taking into account the developments, which had taken place viz. that the Management Committee of the Institution had been reconstituted at the



instance of the government and that the initial dispute at the time of the erstwhile Principal of the Institution had melted, but the bank account was not allowed to be operated for such correspondence, referred to above, by the District Education Officer to the Branch Manager of Punjab National Bank, Jalalpur Branch, this Court had directed Mr. P.K. Verma, the learned Additional Advocate General-3 to seek necessary instructions in the matter from the Education Department.

Though, a counter affidavit has been filed on behalf of the State, which was permitted to be impleaded as a party respondent only on the last occasion, but the affidavit discloses nothing except for parroting the grounds taken by the writ petitioner/appellant all this while. All the developments viz. the reconstitution of the Management Committee and naming of two persons for operating bank account was admitted, but there was no clarification with respect to the circumstance and reason for the correspondence made by the D.E.O., Chapra to the Branch Manager of Punjab National Bank, which was the reason



for account to remain inoperative.

Considering lack of understanding on the part of the District Education Officer, who himself has sworn the affidavit, we direct that in the event of the Management Committee of the college having been reconstituted by the government and there being no confusion over its constitution at the moment and the urgent necessity of operating the bank account for the purposes of making payments of salaries to the employees of the Institution, the Bank shall allow the operation of the bank account by the nominated persons of the Institution. The Bank would not be unduly justified in asking for the specimen signature of the persons who would operate the bank account, which shall be provided to the Bank after verification by the District Education Officer, Chapra, who has unduly and without any justification has directed the Bank not to allow the operation of the account sans the sanction of the Expenditure Committee, which is not the stand of the State for the present and on behalf of the Institution in question. In case it is found later that they



were not justified in operating the bank account, it would be the responsibility of the Institution to restitute the Bank with the fund, which would be withdrawn from the bank account. The urgent dispatch shown by this Court as noted in the order dated 19.10.2022 is the non-payment of salary to even Class-III and Class-IV employees of the Institution.

The appeal stands allowed.

The order of the learned Single Judge rejecting the prayer made on behalf of the appellant on the sole ground of there being a dispute with respect to the management of the College, is set-aside.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

Mahesh/Sunil

AFR/NAFR	NAFR
CAV DATE	N/A
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