

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7835 of 2019**

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Murari Sharma Son of Krishna Nandan Sharma Resident of Village and P.O.-  
Perhap, P.S.-Sahar, District-Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary Department of Education,  
Govt. of Bihar, Patna.
2. The Principal Secretary Department of Education, Govt. of Bihar, Patna.
3. The Director (Primary Education), Department of Education, Govt. of Bihar,  
Patna.
4. The District Education Officer, Bhojpur at Ara.
5. The District Program Officer, (Primary Education and Sarv Shiksha  
Abhiyan) Bhojpur at Ara.
6. The Block Education Officer, Sahar, District-Bhojpur

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Suraj Narain Yadav, Advocate  
For the Respondent/s : Mr.Subash Chandra Mishra (SC 16)

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL JUDGMENT**

**Date : 07-12-2023**

1. Heard learned counsel for the parties concerned.
2. The present writ application has been filed  
seeking following reliefs -

*“(i) For issuance of a writ in the nature of  
certiorari to quash the letter no. 551 dated  
16.04.2018, letter no. 1389 dated  
13.10.2018 and also letter no. 5320 dated  
31.12.2018, by which the petitioner has  
been directed to deposit Rs. 62,577/-.*

*(ii) Also for issuance of a writ in the nature*



*of mandamus directing the respondents to pay Rs. 1,94,537/- with interest to the petitioner.”*

3. The brief facts of the case are that the petitioner was posted as Headmaster of Upgraded Urdu Girls Middle School, Khaira. For construction of the building of Kasturba Gandhi Balika Vidyalaya, funds was allotted to the petitioner being the head of the said School and Block Education Officer, Sahar namely Md. Jabbar Ansari, during the period 21.05.2010 to 22.02.2012, totaling to a sum of Rs. 4,45,000/-. For construction of the said building, altogether Rs. 9,65,000/- was allotted at different time period to different persons and petitioner along with Md. Jabbar Ansari was allotted Rs. 4,45,000/- out of Rs. 9,65,000/- in between May, 2010 to February, 2012. Rs. 3,75,463/- has allegedly been misappropriated by the petitioner and 06 other similarly situated persons. Accordingly, the District Programme Officer, Bhojpur at Ara fixed the liability for recovery of the said amount upon all the 06 persons including the petitioner, which comes to Rs. 62,577/- each.

4. Learned counsel for the petitioner submits that during the said period, petitioner along with other executed



the work valued at Rs. 5,89,537/-, out of which, petitioner along with Jabbar Ansari withdrawn an advance amount of Rs. 4,45,000/-. He further submits that during the period May, 2010 to February, 2012, the petitioner executed extra work, for which he received extra amount, as such, fixing liability upon the petitioner is illegal and on the contrary, the petitioner is entitled to be recommended for receiving the extra money spent by him for the construction of the School. He next submits that without assessing the excess amount spent by the petitioner and without issuing any show cause, notice dated 16.04.2018 (Annexure-3) has been issued and the petitioner is directed to refund the amount with interest. Thereafter, the petitioner has submitted his objection vide letter dated 21.04.2018 (Annexure-4), before the District Programme Officer, Bhojpur at Ara, which is still pending.

5. In view of the aforesaid factual position, the District Programme Officer, Bhojpur at Ara is directed to dispose off the objection of the petitioner, after giving an opportunity of hearing to the petitioner, in accordance with law, within a period of four weeks from today. It is made clear that till the disposal of the representation of the petitioner, no process of recovery shall be initiated against him.



6. With the aforesaid observations and directions,  
the present writ application stands disposed off.

**(Anil Kumar Sinha, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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