

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.21495 of 2013**

=====

Youth Federation, a Non Governmental Organization through its General Secretary, Ashok Kumar Son of Late Yadunandan Mishra, Residence and Office Situated at Mohalla- Naya Tola, Technical Chowk, Police Station- Kaji Mohammadpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, New Secretariat, Vikas Bhawan, Bailey Road, Patna
2. State Project Director, Bihar Education Project Council (Bihar Shiksha Pariyojana), Shiksha Bhawan, Saidpur, Patna
3. District Magistrate, Madhubani-Cum-Chairman, District Executive Committee, Bihar Education Project Council, Madhubani.
4. District Education Officer (Formerly Designated As District Superintendent Of Education)-Cum-District Programme Officer, Sarva Shiksha Abhiyan, Madhubani.

... .. Respondent/s

=====

**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr. Kishore Kumar Thakur, Adv. |
| For the State        | : | Mr. Akash Raj, AC to GA-5.     |
| For the B.E.P.C.     | : | Mr. Girijesh Kumar, Adv.       |

=====

**CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY**  
**ORAL ORDER**

5      07-08-2023                      Heard learned counsel for the parties.

The present writ petition is filed for the following  
reliefs:-

The balance amount of Rs.  
2,02,380/- in favour of the petitioner N.G.O.  
so as to enable it to meet the expenditures  
incurred towards the operation and  
management of the Residential Training  
Centre/Utpreeran Kendra which was allotted  
to the petitioner for the Benipatti Block of



the district of Madhubani, taking into account the fact that even though the tenure of the said Utpreran Kendra has come to an end in the month of September, 2012 itself and there is no complain from any corner with respect to the efficient and satisfactory operation of the said Utpreran Kendra allotted to the petitioner and its successful endeavour to prepare the children attached to the said centre for bringing them in the mainstream of primary education, the rent of the premises in which such Utpreran Kendra was being run as well as the payment of salary/honorarium to the teachers of the said Utpreran Kendra have not been paid coupled with the fact that the other ancillary expenditures which were made by the petitioner N.G.O. by arranging loan from the local persons have also not been liquidated because of failure on the part of the respondents to release the balance amount of fund in favour of the petitioner N.G.O.

In the counter affidavit filed by the respondent no. 4,  
it is stated as follows:-

“11. That in reply to Para-16 and 18 of the writ petition under reply it is stated that petitioner has not submitted certificate of enrollment in main stream of



education in prescribed format till date due to which work performed by petitioner organization has not been assessed as to whether same is up to mark or not. And in the circumstances remaining amount of next installment has not been given to the petitioner NGO and the petitioner has made a breach of agreement by not submitting utilization certificate and the list of children mainstream after the special training/ bridging. Thus the respondent is not all aware whether the fund released to the plaintiff as first installment has been utilized gainfully as directed and as agreed upon.

12. That the Statement made in Para-17 of the writ petition is incorrect in view of the fact that petitioner has participated in the meeting of NGO's running centers held on 19.01.2013 which reflects from the minutes of meeting dated 21.01.13 wherein petitioner was asked vide letter dated 15.01.2013 to submit certain documents for release of second installment of the fund but unfortunately not made in this regard. Moreover, BEO, Benipatti vide letter no. 821 dated 18.12.2013 has reported to the office of DPO, Sarva Shiksha Abhiyan Madhubani that petitioner origination has not



submitted any document and has not deposited any kind of materials e.g. utensils etc. It is further stated that the several letters including the letter dated 12.01.2013, 12.02.2013 and letter dated 25.02.2013 issued in this regard.”

Learned counsel appearing in behalf of the petitioner has stated that he has no instructions from his client with regard to the above averments made in the counter affidavit.

Having regard to the above, the present writ petition is disposed of with a direction to the learned counsel for the petitioner to submit the certificate of enrollment in the prescribed format to the authority concerned along with a representation ventilating his grievance within a period of two weeks from the date of receipt of the copy of this order. On receipt of the same, the same shall be considered in accordance with law and if any amounts are due to the petitioner, the same shall be paid to him accordingly. The entire exercise shall be completed within eight weeks from the date of receipt of the representation.

**(A. Abhishek Reddy , J)**

shakir/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

