

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9712 of 2019

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Apne Aap Women Worldwide (India) Trust having its Bihar Coordination Office at Jagdish Mills Complex, Ram Manohar Lohia Path, P.S.- Forbesganj, District- Araria- 854318, through its Director, Tinku Khanna (Female) aged about 45 years, wife of Indranil Roy. Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Human Resources (Education), Government of Bihar, Patna.
2. State Project Director, Sarva Shiksha Abhiyan, Patna.
3. The District Programme Officer, Primary Education cum Samagra Shiksha Abhiyan, Araria.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Alok Kumar Choudhary, Advocate
For the State	:	Mr. Jitendra Kumar Roy 1, SC-13
For the BEPC	:	Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-08-2023 Heard Mr. Alok Kumar Choudhary, learned counsel for the petitioner and Mr. Girijesh Kumar, learned counsel for the Bihar Education Project Council (in short 'BEPC').

2. This writ application has been filed for the following

reliefs:-

“(A) A writ in the nature of certiorari for quashing the office Letter No. 429 dated 30.04.2018 issued by the District Programme Officer, Primary Education cum Sarva Siksha Abhiyan, Araria by which he has directed the Secretary, Apne Aap, Women Worldwide, District-Araria to deposit unadjusted amount (with reference to extra expenditure as per budget during the period of financial year 2007 to 31.03.2013) for a sum of Rs.5,32,720.00/- (Rupees Five Lacs Thirty Two Thousand Seven Hundred Twenty only) in the account of K.G.B.V.
(B) For any other appropriate writ/writs, order/orders, direction/directions which may be fit in the facts and circumstances of the cases.”



3. From the statements made in the writ application, it appears that the petitioner organization has been assigned the work of running the Kasturba Gandhi Awasiya Balika Vidyalaya (hereinafter referred to as the 'KGBV'), Simraha, Forbesganj in the district of Araria. It is stated that the girls from the Nut community are receiving education in this school up to Class VIII. The petitioner is looking administrative and managerial concern of the school for which funds are provided by the State Government under the 'Sarva Shiksha Abhiyan'. There is some dispute over the utility certificate and it appears that after considering earlier explanation of the petitioner, the respondent has come out with the impugned demand whereby and whereunder the petitioner has been called upon to deposit the unadjusted amount of Rs.5,32,720/- vide Annexure '4' to the writ application.

4. A counter affidavit has been filed on behalf of respondent no. 3. In paragraph '13' of the counter affidavit, a plea has been taken that the petitioner could not rebut the claim made by respondent no. 3 vide impugned order by presenting/adducing cogent evidence, therefore, in absence of the description of the expenditure with enclosures in its support, the respondent authorities has arrived at the conclusion that the said outstanding amount is genuine and the petitioner has been directed to deposit the same in the credit of the KGBV, Simraha (Forbesganj).

5. Having regard to the aforementioned stand of



respondent no. 3, learned counsel for the petitioner submits that the petitioner may be given an opportunity to appear before respondent no. 3 with all cogent materials/evidence to satisfy him about the utility of the amount and thereupon the respondent no. 3 may pass an appropriate order.

6. Learned counsel for the BEPC submits that in such circumstance, this Court may fix a time-frame for appropriate decision by respondent no. 3.

7. In the given facts and circumstances and the stand taken by respondent no. 3, this Court directs respondent no. 3 to give an opportunity of hearing to the petitioner in order to produce all such cogent materials in support of her stand which may be produced and upon giving such hearing and taking into consideration the materials which may be produced by the petitioner, the respondent no. 3 shall pass an appropriate order.

8. Let the entire exercise be completed within a period of three months from the date of receipt/production of a copy of this order.

9. In the meantime, the impugned demand shall be kept in abeyance, if already not recovered.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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