

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8976 of 2019

Rashmi Shikha, Daughter of Late Binod Kumar Jha, Resident of Village-Laudhiya, P.O.- Madhodih, P.S.- Sangrampur, District- Munger, at present working as In-Charge, Headmaster, New Primary School, Mainbaran, Block P.S.- Banka, District- Banka.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Director, Bihar Education Project, Bihar, Patna.
5. The District Education Officer, Banka, District- Banka.
6. The District Programme Officer (Sarvshiksha), Banka, District- Banka.
7. The District Programme Officer (Establishment), Banka, District- Banka.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Respondent/s : Mr. Mrigendra Kumar, AC to GP-20

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 25-09-2023 Heard learned counsel for the petitioner and learned counsel for the State.

I.A. No. 1 of 2019

2. This application has been filed seeking an order of stay of the operation of the impugned order as contained in Letter No. 1049 dated 25.04.2019 by which the District Programme Officer (Establishment), Banka has directed the petitioner to return a sum of Rs.6,62,937/- in the name of Bihar Education Project, Banka. The letter also states that in the light of the order passed by this Court in CWJC No. 13285 of 2017,



all the parties were heard and on the basis of the evidences and on perusal of the records, the claim of the petitioner has been rejected and the charge levelled against him for misappropriation of Rs.6,62,937/- has been found proved.

I.A. No. 2 of 2021

3. This application has been filed for stay of the proceeding of Letter No. S.S.A/468 dated 19.03.2019.

4. The Letter No. S.S.A/468 dated 19.03.2019, is however, not enclosed with this interlocutory application.

5. In course of argument, learned counsel for the petitioner has, on query made by this Court, though submitted that earlier, a departmental proceeding was initiated against the petitioner but the same was dropped, in fact, in the writ application, there is no averment in this regard.

6. Learned counsel submits that at this stage, he is only looking for a direction to the respondent authorities to consider her representation submitted to the District Magistrate, Banka as contained in Annexure '3' to the writ application.

7. Learned counsel for the State has opposed this writ application. It is submitted that pursuant to the order of this Court passed in CWJC No. 13285 of 2017, the petitioner has already been given an opportunity and only thereafter



appropriate order has been passed which has been brought on record by way of I.A. No. 1 of 2019.

8. Having heard learned counsel for the petitioner and learned counsel for the State, considering the half hearted kind of pleadings of the writ petitioner, this Court is unable to gather the entire facts.

9. Learned counsel for the petitioner is not even able to demonstrate it from his records as to what happened in the departmental proceeding and whether the amount which has been fixed as liability against the petitioner was subject to any departmental proceeding.

10. In the circumstances, this Court finds no reason to interfere with the impugned orders, however, it is open for the petitioner to pursue her remedy, if any, before the competent authority.

11. The writ application as well as I.A. No. 1 of 2019 and I.A. No. 2 of 2021 stand disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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