

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11261 of 2015

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Shambhu Prasad Son of Jamuna Prasad, Resident of Village P.O- Sonpa Police Station- Rajpur, District- Buxar, Bihar. Presently- Shambhu Prasad, F.No. 981410014, Son of Jamuna Prasad, Group Centre, C.R.P.F, Mokama Ghat, District- Patna (Bihar).

... .. Petitioner/s

Versus

1. The Union Of India through Home Secretary, Government of India, New Delhi.
2. The Director General C.R.P.F., New Delhi- 110003.
3. The Inspector General, C.R.P.F., Sector Bihar, Patna.
4. The Dy. Inspector General G.C. C. R.P.F., Mokamaghat, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav, Advocate
For the Respondent/s : Mr.Anshay Bahadur Mathur, CGC

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-01-2023 The writ application has been filed for quashing of office direction i.e. office of Deputy Inspector General of Police, Group Centre, C.R.P.F., Mokama Ghat, Patna, Bihar dated 13.06.2015 (Annexure – 2) and dated 01.07.2015 (Annexure – 4) whereby and whereunder direction has been issued to recover the amount Rs. 1,38,461/- only in installments from the salary of the petitioner.

2. Brief facts of the case are that petitioner has been enlisted in CRPF on 15.05.1998. Petitioner was transferred to Bihar Sector, Patna on 12.11.2013 from GC, CRPF, Gandhinagar and thereafter, petitioner submitted his Children



Education Allowance Claim on 29.01.2015 in respect of his ward Kumkum Kumari, student of class IV being date of birth as 20.08.2005, and Monu Kumar, student of class V being date of birth as 25.07.2003. Accordingly, Children Education Allowance was sanctioned in respect of above two wards of petitioner, vide Sanction Order No. A. IX-1/2014-15-PC-2/GC dated 11.03.2015. During checking the children education allowance file in respect of petitioner, it was noticed that petitioner had submitted an application dated 09.05.2011 in which he had stated that his first two children have not studied and as such, he has submitted his Children Education Allowance claim for the 3rd and 4th child, which is against the prescribed rule.

3. It is submitted on behalf of petitioner that petitioner has not misled or misrepresented any fact. As a matter of fact, his two elder surviving children were not pursuing studies and therefore, he has applied for children education allowance in respect of his two younger children. Petitioner has not suppressed any fact.

4. However, learned counsel for the State, in reply, submits that as per ***General Conditions of Section 2 Digest of Swamy's Children Education Assistance***, the *Children*



Education Allowance is admissible for the two eldest surviving children only except when the number of children exceeds two due to second child birth resulting in multiple births. Reimbursement of Children Educational Assistance is not permissible for third child even if reimbursement has not been claimed in respect of first and / or second child.

5. Considering the aforesaid facts and circumstances and the fact that reimbursement, in view of prescribed Rule as stated above, is allowed only for two elder surviving children of a government employee, the order of recovery is valid and justified.

6. In view of aforesaid discussions, the writ application has got no merit and it, accordingly, stands dismissed.

(Prabhat Kumar Singh, J)

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