

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8661 of 2023

Dr. Kamla Singh @ Kamla Prasad Singh Son of Ramdev Singh Resident of Village- Chhitauna, Kateya, District- Gopalganj, at present working as Secretary of Mahila Vikas Evam Jan Jagriti Manch Registered under Society registration act 1860. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The State Project Director, Bihar Education Project Council, Shiksha Bhawan, Patna.
5. The Commissioner, Saran Division, Chapra.
6. The Regional Deputy Director, Education, Saran Division at Chapra.
7. The Zila Padadhikari, Gopalganj.
8. The District Education Officer, Gopalganj.
9. The District Programme Officer, (S.S.A.), Bihar Education Project, Gopalganj.
10. The Assistant Programme Officer, Bihar Education Project, Gopalganj.
11. The Special Officer on Duty, District Confidential Section, Gopalganj.
12. The Block Education Officer, Panchdeori, District- Gopalganj.
13. The Headmaster Upgraded Middle Panchdeori, District- Gopalganj.

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Suresh Prasad Bhakta
For the State	:	Mr.Madhaw Prasad Yadaw, GP 23
		Mr.Arvind Kumar, AC to GP-23
For the BEPC	:	Mr.Girijesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-07-2023 Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel for the Bihar Education Project Council, Patna.

Petitioner, in the present case, has two fold



submissions. He is praying for quashing of the communication as contained in letter no. BEP/SSA/1089 dated 01.04.2023 (Annexure '8') by which the District Programme Officer (Primary Education and Sarv Siksha Abhiyan) Gopalganj has called upon the petitioner to deposit a sum of Rs. 2,25,593/- in view of the Three Members Inquiry Committee report. The petitioner has also prayed for a direction to the respondents to pay him the honorarium amount for the period October 2012 to March 2013.

Attention of this Court has been drawn towards the earlier order dated 13.08.2015 passed by a learned writ court in CWJC No. 4129/2013 and the order dated 17.05.2017 passed in MJC No. 78/2016 (Annexure '2' and '4' respectively) to submit that earlier taking note of the grievance of the petitioner with regard to non-payment of the honorarium amount, the learned writ court had directed that the petitioner will file a detail claim before the concerned authority and the authenticity of such claim will be verified and an early decision shall be taken and communicated to the petitioner preferably within a period of four weeks.

Learned counsel for the petitioner submits that the Three Men Committee which was constituted to enquire into the



matter has submitted a report which is available at Annexure '7' to the writ application. From the said enquiry report, it would appear that the Three Members Committee has taken a view that as regards the honorarium, the third installment, if not released, may be released after examining the arrears in this regard taking note of the employees who have worked in the institution.

Learned counsel for the Bihar Education Project Council has submitted that as regards payment of honorarium the required information has been called for from the State Project Director vide Annexure '6' to the writ application and an early decision in this regard shall be taken.

So far as the direction to the petitioner to deposit Rs. 2,25,593/- is concerned, the same has been issued on the basis of the enquiry report, however, it is not denied that the petitioner has not been given any opportunity to submit his response to the Three Men Inquiry Committee report.

Having heard learned counsel for the petitioner and learned counsel for the Bihar Education Project Council as also learned counsel for the State, this Court is of the considered opinion that the District Programme Officer (Primary Education and Sarv Sikhsha Abhiyan), Gopalganj must take an appropriate decision within a period of three months from the date of



receipt/production of a copy of this order.

The State Project Director shall cooperate by providing necessary information as has been called for vide Annexure '6' to the writ application within a period of one month from today.

As regards the grievance of the petitioner with respect to the letter no. BEP/SSA/1089 dated 01.04.2023 (Annexure '8') is concerned, he is at liberty to submit his objection, if any, to the said demand before the District Programme Officer (Primary Education and Sarv Sikhsha Abhiyan), Gopalganj, who will consider the same and will communicate it's decision to the petitioner within a period of two months from the date of receipt of the objection.

In any case the petitioner must submit his objection within a period of thirty (30) days from today.

With the above observation and direction, this Writ Application stands disposed of.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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