IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1608 of 2024

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Md. Shamim Son of- Md. Sharif, Resident of Mohalla- Qumranganj, Ward No. 39, House No. 26, P.S.- Dehri, District- Rohtas, Bihar.

... ... Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Education Department, New Secretariat, Patna.
2. The Director, Secondary Education, Education Department, Bihar, New Secretariat, Patna.
3. The District Education Officer, Education Department, Aurangabad, Bihar.
4. The District Programme Officer (Establishment), Education Department, Aurangabad, Bihar.
5. Rajkiyakrit (Nationalized) Keshaw High School, Sonnagar, Barun, Aurangabad through its In-charge Headmaster.
6. The In-Charge Headmaster Rajkiyakrit (Nationalized) Keshaw High School, Sonnagar, Barun, Aurangabad, Bihar.
7. The Accountant General, Veer Chand Patel Path, Patna, Bihar.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Priyadarshi, Advocate Mr. Arun Kumar Prasad, Advocate
For the Respondent/s	:	Mr. Shiv Kumar, AC to GA-3
For the Accountant General	:	Mr. Vivekanand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 09-09-2024

Heard the parties.

2. The petitioner superannuated on 30.06.2023, from the post of In-charge headmaster, Keshaw High School, Sonnagar, Aurangabad has preferred the writ petition seeking a direction upon the respondents to ensure payment of all his pension along with statutory interest. The petitioner further sought a direction upon the respondents, especially, respondent no. 5 to issue 'No Objection Certificate', enabling the petitioner

to get his pension, which has already been fixed and necessary P.P.O. has been issued by the Accountant General, Bihar.

3. Bereft of irrelevant facts, learned Advocate for the petitioner submitted that on superannuation of the then Headmaster of Keshaw High School, Sonnagar, Aurangabad on 30.11.2021, the petitioner being the senior most teacher was made In-charge without financial power. In support of the aforesaid contention, learned Advocate for the petitioner drew the attention on Annexure-P/1 and submitted that it clearly stipulates that the petitioner was handed over non official charge on 30.11.2021 by the Headmaster. It is next contended that the petitioner continued to work as In-charge Headmaster of the School from 01.07.2021, till his retirement on 30.06.2023 and in the intervening period, he had only exercised the administration duty in respect to daily affairs of the school. Neither any account has been operated in his name nor he had withdrawn any amount. It is also the contention of the petitioner that soon after the retirement of the petitioner, pension papers were sent before the office of the Accountant General by the authority concerned. Since the petitioner had no arrears in his name, the District Program Officer, Aurangabad have certified the same in his service book and sent the pension papers to the office of the

Accountant General and accordingly, pension payment order has been issued. Despite the aforesaid facts, the Headmaster of the school has not been issuing No Objection Certificate in favour of the petitioner, compelling him to approach before this Court.

4. A counter affidavit has been filed on behalf of the respondent no. 4. Learned Advocate for the State submitted that the petitioner was the then In-charge Headmaster of the concerned school and during his tenure, as an In-charge Headmaster what financial transaction has taken place has not been submitted by the petitioner and thus, in the aforesaid premise, No Objection Certificate could not be issued. It is also contended that despite the notices issued by the concerned respondent, the petitioner has not deposited the amount with respect to new enrollments and registration in Class 9^{th} and 11^{th} amounting to Rs. 5,74,873/- in school's bank account, till date. It is also averred that recently, a show-cause notice was also issued by the answering respondent, vide letter no. 1147 dated 28.02.2024 to provide all information with respect to handing over the charge and all the financial records during his tenure.

5. A response to the counter affidavit has been filed on behalf of the petitioner. Categorical averment has been made that he was made In-charge Headmaster without there being any

financial charge, as is evident from Annexure-P/1. It is further contended that so far the registration and admission fee of students of Class 9th and 11th for 2022-2023 sessions is concerned, the petitioner being in non-financial charge, has not received any registration fees from the students because the work of maintaining the amount received regarding admission and registration of sessions 2022-2023 was done by clerk of accounts department, Mr. Sanjay Kumar Pandey, and it was his duty and responsibility to deposit the same in the account maintained and operated by the school.

6. It is also contended that unless the amount of registration is not deposited in the Bihar School Education Board, the registration of those students could not have been completed nor the students admitted, could have appeared in Class 10th and 12th Board examinations of sessions 2023-2024, but admittedly the students have appeared in Class 10th and 12th exam conducted by the Board. Thus, this fact clearly belies the statement that the admission and registration fee of the students have not been deposited in the account of the Board. Learned Advocate for the petitioner further contended that, be that as it may, the petitioner has also responded to all the notices issued by the respondent nos. 6 and 7 and lastly, the petitioner has also

submitted his response to the show-cause notice dated 28.02.2024, the copy of which is marked as Annexure-P/7.

7. Considering the submissions advanced on behalf of the parties and taking note of the materials available on record, especially, Annexure-P/1 and Annexure-P/2, which *prima facie* suggest that the petitioner has not been handed over the financial charge of the school. It also crystallized that at the time of superannuation of the petitioner, there was no dues on his part against the school or department.

8. Taking note of the aforesaid fact, the pension paper or the necessary papers were sent to the Accountant General, Bihar, Patna and accordingly, the pension payment order has also been issued way back on 06.10.2023, the copy of which is also produced as Annexure-P/4 to the writ petition. It also appears from the record that the petitioner has also submitted his response to the show-cause notice on 22.03.2024 before the District Programme Officer (Establishment), Aurangabad.

9. This Court also finds that the petitioner has already superannuated on 30.06.2023 and the matter is kept pending without there being any justifiable reason, much less on the ground of none submissions of the financial charge, which has never been handed over to the petitioner, as is evident from the

materials available on record.

10. Be that as it may, taking note of the aforesaid fact, this Court deems it apt and proper to dispose off the writ petition with a direction to the District Programme Officer (Establishment), Aurangabad (respondent no. 4) to ensure the payment of all the retiral benefits, after issuance of No Objection Certificate at the level of respondent no. 5.

11. Needless to observe that the entire exercise of consideration of the show-cause and payment must be done preferably within a period of eight weeks, from the date of receipt/production of a copy of this order.

12. The writ petition stands disposed off.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2024
Transmission Date	NA