

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2974 of 2015

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Tuneshwar Sharma Son of Late Shukhdeo Sharma resident of Village- Western Karynand Nagar, P.O and P.S and District- Lakhisarai, retired Head Master, Kasturba Gandhi Balika Avasiya Vidyalay, Rajauna Chowki, Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Bihar Education Project Council, Shiksha Bhawan, Rashtra Bhasha Campus, Saidpur, Raje
3. The District Programme Officer , Bihar Education Project Sarve Siksha Abhiyan, Education Departmen
4. The District Education Officer, Lakhisaria.
5. The Block t Education Officer, Lakhisaria.
6. The Treasury Education Officer, Lakhisaria.
7. The Account General A and E Bihar , Patna.
8. The Head Master, Kasturba Gandhi Balika Avasiya Vidyalay, Rajauna Chowki, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ved Prakash Srivastva
For the Respondent/s	:	Mr. Prabhakar Jha (Gp27)
	:	Mr. Mukund Mohan Jha (Ac to Gp27)
For the BEPC	:	Mr. Girijish Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

26 02-09-2024

1. At the relevant time, the petitioner was Headmaster of the Kasturba Gandhi Balika Avasiya Vidyalay, Rajauna Chowki, Lakhisarai, who is aggrieved by the letter 1635 dated 12.09.2013, issued by the District Programme Officer, Bihar Education Service, through which the petitioner has been asked to deposit a sum of Rs. 3,52,060/- with interest inasmuch as according to the respondents, the petitioner was given a sum of



Rs. 8,16,602/- for construction of school building out of which the construction work to the value of Rs. 4,64,542/- was done by the petitioner and thereby the petitioner misappropriated a sum of Rs. 3,52,060/-.

2. Learned senior counsel appearing for the petitioner submits that petitioner has completed the construction work of the school more than the value of the amount provided to him for which, the petitioner has submitted the utilization certificate which is at Annexure 10 Series of the writ application. The respondent/authority, while issuing the impugned letter, did not took into account the utilization certificate and other relevant materials.

3. Learned counsel for the State submits that an inquiry was conducted by the Executive Engineer in which it was found that the work was not completed by the petitioner to the value of the money given to him.

4. Having heard learned counsel for the parties and taking into consideration the nature of prayer made in this writ application, the present writ application is disposed with liberty to the petitioner to file a detailed representation along with the relevant documents before the Respondent No. 2/Director, Bihar Education Project Council, within a period of one month. If



such a representation is filed, Director, Bihar Education Project Council, is directed to dispose the same, after giving an opportunity of hearing to the petitioner, within a period of three months from the date of receipt of representation by a speaking and reasoned order.

5. Accordingly, the present writ application is disposed with the aforesaid direction.

(Anil Kumar Sinha, J)

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