

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17247 of 2016

Surendra Prasad Singh Son of Late Ram Balak Singh, Resident of Village-Tetaru, P.O.- Tetar, P.S.- Atri, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. Director, Bihar Education Project, Education Department, Govt. of Bihar, Patna.
4. District Magistrate, Gaya.
5. District Education Officer, Gaya.
6. District Programme Officer, Primary Education and Sarva Siksha Abhiyan, Gaya.
7. Sri Kedar Nath Singh, the then Block Education Officer, Mohra Block, Gaya.
8. Executive Engineer, Bihar Education Project, Sarva Siksha Abhiyan, Diet Campus, Gaya
9. Incharge Head Master, Middle School, Sevtar, Mohara, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shanti Pratap
For the Respondent/s : Mr. Madanjeet Singh-Gp20

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 04-07-2024 The petitioner was working as Assistant Teacher and was made Incharge/Headmaster in the Middle School, Shevtar, Gaya, in the year 2009. At the time of handing over charge, the outgoing Headmaster had given a sum of Rs.1,62,942/- to the petitioner. Funds were allotted for construction of Kasturba Gandhi Vidyalaya School Building to the tune of Rs.7,51,742/-.

Learned counsel for the petitioner submits that the petitioner executed the work through the agency and allotted amount was withdrawn with the joint signature of petitioner and the Secretary of the School in three installments. First installment was withdrawn by the petitioner amounting to



Rs.4,44,275/- out of which the petitioner submitted utilization certificate of the aforesaid amount. The second installment was withdrawn by the petitioner to the tune of Rs.4 lacs out of which the petitioner spent Rs.4,40,065/- and submitted the utilization certificate showing the excess amount spent by the petitioner as Rs.40,065/-. The third installment was withdrawn by the petitioner for Rs.2,76,000/- out of which the petitioner has submitted the utilization certificate of Rs.3,67,830/-. Accordingly, the petitioner has spent the excess amount of Rs.1,31,895/- out of the allotted amount to the petitioner in three installments for the construction of school building.

Learned counsel submits that by impugned order dated 10.09.2016 (Annexure 1), the District Program Officer, unilaterally directed the petitioner to deposit Rs.50,668/- as excess amount withdrawn by the petitioner. An I.A. bearing I.A. No. 9501 of 2016 has been filed challenging Annexure-9 by which petitioner has been directed to refund a sum of Rs.1,10,668/-. The submission is that before issuance of the impugned letters by the respondent/authority, no opportunity was given to the petitioner to submit his defense and the documents in support of his claim that the petitioner has in fact, spent more amount than was withdrawn by him.



Learned counsel for the State is not in a position to rebut the submission of the petitioner.

In view of the fact that the respondent authority without giving any notice to the petitioner, has issued the impugned letters directing the petitioner to refund the excess amount without giving him any opportunity, I feel it expedient that the respondent authority should give opportunity to the petitioner to submit his defence along with the supportive documents before the District Program Officer, Sarv Shiksha Abhiyan/Respondent No. 6. Accordingly, the petitioner is directed to submit the details of the expenditure made by him before respondent No.6 within a period of 4 weeks. If such representation/details regarding expenditure is filed by the petitioner during the aforesaid period, the respondent no.6 shall be obliged to dispose the same in accordance with law by a reasoned order within a period of four months from the date of filing of the representation by the petitioner.

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

(Anil Kumar Sinha, J)

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