

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9303 of 2024

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Kumari Neelam Wife of Shashi Shekhar Thakur Resident of Bhup Narayan Singh Colony Ward No. 21, P.S.-Madhubani, District-Madhubani, Bihar-847211

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The District Education Officer, Madhubani, Bihar.
4. The District Programme Officer (Establishment), Madhubani, Bihar.
5. The District Programme Officer, Sarva Shiksha Abhiyan, Bihar Education Project, Jagat Lal Mishra Complex, Rahika Road, Sapta, Madhubani-847214.
6. The Block Education Officer, Block-Rahika, Madhubani, Bihar.
7. The Principal, Watson Middle School, Madhubani, Bihar-847211.
8. The Secretary, School Education Committee, Watson Middle School, Madhubani, Bihar-847211.
9. Shri Yogendra Kumar, Block Education Officer, Block-Rahika, Madhubani, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gaurav Kumar with Mr. Suraj Prakash and Mr. Ashutosh Somani, Advocates
For the State	:	Mr. Ravi Bhardwaj, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 29-10-2024

Heard Mr. Gaurav Kumar, learned Advocate for the petitioner and Mr. Ravi Bhardwaj, learned Advocate for the State.

2. The petitioner is aggrieved by the Three Member's Enquiry Committee report as contained in Memo No. 1380 as



also the order as contained in Letter No. 491 dated 30.05.2023 as well as the letter dated 27.06.2023 passed by the respondent Nos. 4 and 5. The petitioner also sought a direction commanding upon the respondents to make payment of earned leave amount to the tune of Rs.60245/- which is said to have been illegally withheld by the respondent authorities.

3. Learned Advocate for the petitioner contended that after having served for more than 35 years, the petitioner superannuated from the post of Assistant Teacher from Utkramit Middle School, Sahua Tol, Block-Rahika, District-Madhubani on 31.12.2022. It is further contended that while working on the post of Assistant Teacher the petitioner was handed over the charge of In-charge Principal of Watson Middle School, Madhubani on 31.07.2021. The petitioner categorically averred that the entire financial charges of the afore-noted school was duly handed over to the respondent no. 7 on 03.02.2023 and accordingly No Objection Certificate was issued in favour of the petitioner. Subsequent thereto, based upon an explanation of the Principal of Watson Middle School, Madhubani vide Letter No. 11 dated 24.04.2023, in response to a query made by the respondent no. 4; A Three Men Committee was constituted to enquire the matter regarding financial irregularity. The Three



Men Committee have come out with a report, copy of which is marked as Annexure-P/3, which clearly reveals that despite the petitioner being relieved from the charge of I/c Principal, she has made payment of Rs.60,245/- to the Vendor(s) unauthorisedly and thus committed financial irregularities. This is the report which is under challenge. Based upon the enquiry report, the authorities have taken a decision to deduct an amount of Rs.60245/- from the earned leave of the petitioner and ensure payment of the rest of the amount.

4. A counter affidavit has been filed on behalf of respondent no. 4. Mr. Bhardwaj, learned Advocate for the State submits that the report clearly reveals that on 16.09.2022 the Composite Grant amount was received in the school which was illegally withdrawn by the petitioner to the tune of Rs.33845/- and further an amount of Rs.26400/-, the total being Rs.60245/- on 27.09.2022, despite the fact she was relieved with effect from 07.09.2022. Since the petitioner had already been relieved from the post of In-charge Principal of Watson Middle School, Madhubani, Bihar, withdrawal of the aforesaid amount and payment to any Vendor is said to be illegal and thus leading to financial irregularity. It is further contended that after deducting the aforesaid amount, the petitioner has already been paid the



remaining amount of Rs.9,34,735/- under the leave encashment.

5. Having heard the learned Advocate for the respective parties and after going through the materials available on record, this Court is of the opinion that the respondent authorities have not come up with the definite finding that as to whether the so called amount illegally withdrawn by the petitioner has been given to the bona fide Vendor(s) or not. If the bona fide Vendor has been paid against the works and goods supplied to the School or the School Education Committee, this Court finds that the irregularity, if any, committed by the petitioner can be condoned provided that there is no other allegation against her, otherwise. The report and the letters brought on record are not suggestive of the fact that the amount has been withdrawn and payment has not been made to anyone; it only suggests that the amount has been withdrawn and payment has been made to the Vendor(s) even after relieving the charge of Incharge Principal, Watson School. Notably, the petitioner superannuated on 31.12.2022.

6. In that view of the matter, this Court deems it apt and proper to consider the claim of the petitioner afresh by conducting an enquiry to the matter as to whether the amount has been paid to the bona fide Vendor(s) against the work done



or the goods supplied by them. In case it is found that the payment has been made against the work done by the Vendor(s) or the goods supplied by him/them, in such circumstances the irregularity, if any, may be condoned and the withheld amount of Rs. 60,245/- be paid to the petitioner. The entire exercise must be completed, preferably within a period of 12 weeks from the date of receipt of a copy of this order.

7. The writ petition stands disposed off.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	30.10.2024
Uploading Date	
Transmission Date	

