

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15783 of 2015

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Ramdeo Singh son of Late Parmeshwar Singh, Resident of Mohalla Kagazi Tola, Lane Mohaddinagar, P.S.- Mujahidpur, District- Bhagalpur, at present posted as Headmaster, Middle School, Mohaddinagar, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Government of Bihar, Patna
3. The District Education Officer, Bhagalpur
4. The District Programme Officer P.E. and SSA, Bhagalpur
5. The Block Education Officer, Bhagalpur
6. The District Magistrate, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Indeshwari Prasad Mandal, Advocate
For the Respondent/s	:	Mr. Avinash Kumar, Advocate
		Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-01-2024 Learned counsel for the petitioner submits and is allowed to implead the District Magistrate, Bhagalpur as respondent no. 6 in course of the day.

2. Heard Mr. Indeshwari Prasad Mandal, learned counsel for the petitioner and Mr. Girijish Kumar, learned counsel appearing on behalf of the respondents.

3. The present writ petition has been preferred for setting aside the order passed by the District Programmer Officer (P E & SSA) Bhagalpur contained in letter no. 11186 dated 29.05.2015 where under and whereby petitioner has been



asked to refund Rs. 8,19,440.00 given to him on account of construction of school building of Middle School, Olpura, Kahalgaon (Bhagalpur) within a week failing which FIR would be registered against petitioner for misappropriation of Govt. money.

4. On the last occasion i.e. 06.12.2018 while adjourning the case, a bench of this Court had directed the respondents to maintain status quo as existing on that day.

5. The matter relates to construction of school building of Middle School, Olpura, Kahalgaon in the district of Bhagalpur and the petitioner being the Headmaster, was directed to pay refund Rs. 8,19,440/- which was subsequently reduced to Rs. 4,82,440/- vide letter no. 967 dated 19.05.2016 issued by District Programme Officer, Primary Education, Bhagalpur which has brought on record by way of Annexure-6 of the Interlocutory Application No. 8517 of 2018.

6. Learned counsel for the petitioner submits that the construction work was undertaken and the amount withdrawn under the signature of both Headmaster and the Secretary of the school but the respondents have chosen to fix the responsibility on this petitioner alone. He further submits that despite the amount having been reduced to Rs. 4,82,440/, the Certificate



Officer has initiated proceeding for the original amount (Rs. 8,19,440/-). It is his further submission that he is ready to appear before the concerned respondent (the District Magistrate, Bhagalpur) to present his case and satisfy about the amount that was withdrawn and used for the construction of the school building.

7. It is his further submission that he will abide by the order passed by the District Magistrate, Bhagalpur.

8. Learned counsel appearing on behalf of the respondents, Mr. Girijish Kumar has no objection to the aforesaid submission put forward by the learned counsel for the petitioner.

9. In the aforesaid circumstance, the writ petition stands disposed of with a direction upon the newly added respondent no. 6, the District Magistrate, Bhagalpur to give an audience to the petitioner on 16.01.2024 at 3:00 p.m., if he is available in the office when the petitioner shall present his case. Thereafter, the District Magistrate is free to fix further date for hearing where the respondent authorities shall also appear to present their respective case.

10. After hearing the parties and perusal of the record, the District Magistrate, Bhagalpur shall pass a reasoned order



within a period of three months from the day the petitioner present himself before him (16.01.2024).

11. In the meantime, the status quo order granted on 06.12.2018 to continue.

12. The writ petition stands disposed of with the aforesaid liberty.

(Rajiv Roy, J)

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