

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22342 of 2013

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Surendra Kumar Singh son of Sri Damodar Nath Singh Resident of
Mohalla- Gadari, Bahri Sarak, P.O.- Chapra, P.S.- Bhagwan Bazar, Dist-
Saran at Chapra Pin- 841301.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary Primary Education, Government of Bihar.
2. The Director, Bihar Education Project, Patna.
3. The District Magistrate, Saran at Chapra.
4. The District Programme Officer, Sarb Shiksha Abhiyan, Saran at Chapra.
5. The Assistant Engineer, Sarb Shiksha Abhiyan, Saran at Chapra.
6. The Technical Supervision cum Junior Engineer, Sarb Shiksha Abhiyan, Saran at Chapra.
7. The District Education Officer, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Shekhar Tiwary, Advocate
For the State	:	Mr. Sushil Kumar Singh, AC to AAG-13
For the BEPC	:	Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

12 03-01-2024 Learned counsel for the petitioner prays for and is

allowed to implead the District Education Officer, Saran at

Chapra as respondent no. 7 in course of the day.

I.A. No. 01 of 2023.

2. The present Interlocutory Application has been

filed for incorporating additional prayer in the writ petition.

3. There is no objection from the other side.

4. I.A. No. 01 of 2023 is allowed.

CWJC No. 22342 of 2013.



5. Heard Mr. Shashi Shekhar Tiwary, learned counsel for the petitioner and Mr. Girijish Kumar, learned counsel representing the Bihar Education Project Council as also the State.

6. The present writ petition has been preferred for quashing the letter no. 1276/SSA dated 27.05.2013 (Annexure-2) issued under the signature of the District Programme Officer, Sarb Shiksha Abhiyan, Saran whereby and whereunder the petitioner has been directed unilaterally to deposit Rs. 2,97,358/- in the account of Bihar Education Project.

7. The writ petition was preferred in the year 2013 and when lastly it was taken on 09.10.2023, a bench of this Court made a query as to whether any recovery has been made or not since there was no interim protection to the petitioner. The respondents who were in deep slumber till then became activated and then came the letter no. 2046 dated 16.10.2023 and letter no. 2059 dated 17.10.2023 both issued by the District Programme Officer, Integrated Education, Saran at Chapra which have been brought on record by way of I.A, No. 01 of 2023 by the petitioner and sought their quashing also.

8. Through the said letters once again the petitioner was asked to deposit the amount which according to them has



been made as excess withdrawal by him in course of construction of the school building, namely, Government Middle School, Magaidih, Saran at Chapra.

9. Learned counsel for the petitioner submits that decisions are being taken by the respondents one sided without allowing him to present his case and/or convince them regarding the expenses that were made in course of construction of the aforesaid school building.

10. It is his further submission that he may be allowed to present his case before the concerned respondent and in case any excess amount is found, he will be immediately clearing the same but for ten long years, he has been denied the said opportunity and in the process has been harassed mentally.

11. Mr. Girijish Kumar, learned counsel representing the Bihar Education Project Council submits that from the records/counter affidavit, it is clear that the petitioner withdrew excess amount and as such the amount he was asked to return was fully justified in the background of the fact that despite specific query made on 24.02.2015, the positive response was not forthcoming.

12. To this, learned counsel for the petitioner submits that after demanding the amount in 2013 which followed the



writ petition, two years later as an after thought, the said letter was issued and it is his reiteration that he is ready to clear the amount once he is allowed to present his case.

13. The matter is of 2013. It is an admitted fact that despite issuance of letters, the respondents chose to sit over it and no step was taken to get the Government's amount back to the State Exchequer for ten long years despite the fact that there was no interim protection granted to him. In that background, the submission put forward by the learned counsel for the petitioner is justified and he should be given a chance to present his case.

14. This Court thus deems it appropriate to direct the petitioner to represent himself before the newly added respondent no. 7, the District Education Officer, Saran at Chapra on 16.01.2024 at 3:00 p.m. in his chamber whereafter the District Education Officer will be free to fix an appropriate next date according to his convenience. Further, on the next date of hearing, both the petitioner as also the respondent no. 4, the District Programme Officer, Sarb Shiksha Abhiyan, Saran at Chapra shall present their respective case after which he shall take a positive decision.

15. The entire process must be completed within eight



weeks from the first presentation i.e. 16.01.2024.

16. Till an order is passed by the District Education Officer, Saran at Chapra, all the aforesaid orders in question by which the demand has been made from the petitioner shall remain in abeyance.

17. The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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