

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5135 of 2023

Nilam Kumari @ Nilam Devi Wife of Suresh Choudhary, Resident of Village Saharpura, P.S. Charpokhari, District Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Bihar Education Project Council, Patna.
4. The District Magistrate, Bhojpur, Ara.
5. The District Education Officer, Bhojpur, Ara.
6. The District Programme Officer (Estb), Bhojpur, Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Ranjan, Adv.
For the State	:	Mr. Subhash Chandra Mishra, S.C.-16
For the B.E.P.C.	:	Mr. Girjish Kumar, Adv.
		Mr. Akash Anand, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 06-03-2025 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar Education Project Council.

2. By filing the present writ application, the petitioner has prayed for setting aside the order contained in Memo no. 629 dated 11.06.2022 (Annexure-1) issued under the signature of District Education Programme Officer, Bhojpur whereby and whereunder the District Programme Officer (Establishment), Bhojpur was directed to deduct 50% salary per month from the school account of the petitioner as well as for a direction to the respondent Authorities to pay back the entire deducted amount



of the petitioner with immediate effect.

3. Learned counsel for the petitioner submits that the impugned order (Annexure-1) is not an outcome of any proceedings or enquiry and the recovery has been ordered even before proof of the guilt of the petitioner.

4. It is further submitted that the case of the petitioner is squarely covered by order dated 25.08.2023 passed in C.W.J.C. No. 1720 of 2023, hence the present writ petition can also be disposed of in similar terms.

5. A counter affidavit has been filed on behalf of respondent nos. 5 & 6 stating therein that the petitioner had received the government money for the construction of the new class rooms, but neither the objected task had been completed under his supervision nor the allotted amount was returned to the authorities as per the direction and as such it is a proved case that the petitioner has defalcated the money which was made available to school in question for construction of addition class room of the school under Sarva Shiksha Abhiyan and therefore, the District Education Officer, Bhojpur has passed the final order vide memo no. 629 dated 11.06.2022 which is just and proper in eyes of law.

6. Having heard learned counsels for the parties, it is



evident that here is a case of unlawful disbursement of money to a consultancy firm, but then the charge is required to be proved and it is in the domain of the department to complete the disciplinary proceedings and proceed against the petitioner in accordance with law in terms of the findings of the disciplinary authority.

7. In such view of the matter, I deem it just and proper to set aside the order as contained in Annexure-1 to the writ application and direct the respondents to complete the disciplinary proceeding and pass a reasoned and speaking order within a period of six months from the date of receipt/production of a copy of this order and thereafter proceed in accordance with law.

8. It is made clear that recovery of any amount from the petitioner shall be subject to final outcome of the departmental proceeding/enquiry.

9. With the aforesaid direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

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