

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17078 of 2025

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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 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, Advocate Mr. Suraj Prakash, Advocate Mr. Ashutosh Somani, Advocate
For the State	:	Mr. DHURJATI KR. PRASAD, GP 14
For the BEPC	:	Mr. Nikesh Kumar, Advocate Mr. Akash Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 23-07-2026 Heard learned counsel appearing on behalf of the petitioner; learned counsel for the State and learned counsel for the BEPC.

2. Petitioner has *inter alia* prayed for following reliefs in the paragraphs No.1 of the writ petition:-



“I. For quashing of the Two Member Enquiry Committee, inquiry report/ Order Letter No. 804 dated 24.02.2025 by the respondent No. 4.

ii. For quashing of the Office Order Memo No. 1318 dated 16.04.2025 by the respondent No.3 thereupon.

iii. For issuance of a writ/writs, order/orders/direction/directions in the nature of mandamus commanding the respondents authorities for making immediate release payment of post retiral benefits dues Earned Leave (EL) Encashment amounting Rs. 60,245/- (Rupees Sixty Thousand Two Hundred Forty-Five Only) of the petitioner which has been withheld illegally Earned Leave /Encashment which have not been paid to the petitioner till date.

iv. the Earned Leave For direction to the respondents authorities to pay the compound interest/simple interest in of 18% per month/per annum on /Encashment dues, which was illegally withheld by the respondents authorities as well as to pay cost of litigation which has been filed by petitioner.

For direction the respondent authorities concerned to make payment of compensation to the petitioner, the petitioner have suffered huge financial loss, harassment and mental agony for negligence and deliberate latches on the part of espondents authorities concerned for not paying abovesaid Earned Leave/Encashment. onvion And any other relief or reliefs as this Hon'ble court omo thinks fit and right should also be awarded to the petitioner”

3. Learned counsel appearing on behalf of the petitioner informs this Court that without giving any opportunity of hearing to the petitioner, who retired on 31.12.2022, the District Education Officer, Madhubani vide order contained in Memo No.1318 dated 16.04.2025 has unilaterally rejected the claim of the petitioner, as a sum of Rs.60,245/- was withheld from the petitioner's earned leave encashment by the respondent authorities.



4. Learned counsel further submitted that the petitioner has brought all the tax invoices in respect of the articles which were purchased by her. However, neither the said documents were taken into consideration, nor the petitioner was given opportunity to explain by the District Education Officer before passing the impugned order and as such unilateral action taken by the District Education Officer, Madhubani is not in accordance with law and seeks quashing of order dated 16.04.2025.

5. Considering the aforesaid information made on behalf of the petitioner, this Court makes it clear that before taking any penal action taken against any employee, at least, a minimum opportunity of hearing is required to be given. In the present case, the action of the District Education Officer can only be held to be arbitrary against the principle of natural justice. The impugned order contained in Memo No.1318 dated 16.04.2025 (Annexure P/10) is hereby quashed and set aside.

6. The District Education Officer, Madhubani is directed to call upon the petitioner and the vendors, who have supplied the requisite quantity of goods along with the GST return and tax invoice and upon verification and giving due opportunity to the petitioner, calculate the amount which



according to him, has been misappropriated by the petitioner. In case, he finds that the petitioner has misappropriated the said amount, a fresh reasoned order is required to be passed in accordance with law within a period of six weeks. In case, if it is found only an arithmetical miscalculation, then without taking any penal action against the petitioner, the same should be adjusted after calculating it on the basis of the evidences on record based on the tax invoices and the amount received in that regard.

7. The writ petition is disposed of with a direction to the District Education Officer to pass a fresh order within a period of 6 weeks without delay, or he will be responsible for withholding the amount of the petitioner.

(Purnendu Singh, J)

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