
(2017) 01 JH CK 0232

JHARKHAND HIGH COURT

Case No: 3324 of 2016

Ravi Shanker Mandal,
son of Girdhari Lal
Mandal

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision: Jan. 18, 2017

Hon'ble Judges: Anant Bijay Singh

Bench: SINGLE BENCH

Advocate: Mahesh Tiwari

Judgement

1. On 25.11.2016, detailed order was passed and further learned APP was directed to take instruction from the District Superintendent of Education ? cum ? District Programme Officer, Jharkhand Siksha Pariyojna, Dhanbad as to whether under which head the amount of Rs. 18,32,598/- is to be deposited.

2. Pursuant thereto, the Block Education Extension Officer, Tundi Block, Dhanbad has submitted a report pursuant a letter of learned APP intimating that the amount is to be deposited in Sarv Siksha Abhiyan, Dhanbad through draft, but learned APP has also filed a supplementary counter affidavit sworn by the I.O. stating that the measurement book, which has been filed, is not correct and in para-4, it is averred that the total amount released by office is Rs. 39,33,216/-, whereas the cost of construction as per Measurement Book is Rs. 10,95,738/-, and the amount returned by the petitioners is Rs. 1,35,000/- and the balance amount to be deposited by the petitioners is Rs. 27,02,478/- which has to be deposited in Sarva Siksha Abhiyan, Dhanbad.

3. This fact was contested by the petitioners on the ground that further additional work of 414 meters of boundary was done by the petitioner. So in order to test the bonafide and submissions on behalf of the petitioners and also the genuineness of the claim, as to

whether further construction work of the boundary wall has been done or not, I direct the petitioners to supply the cell number to learned APP latest by 23.01.2017. Thereafter, the learned APP shall transmit the cell number to the I.O. and the I.O. will give 72 hours" notice to the petitioners. Thereafter, the I.O. will file an application before the trial court and trial court after hearing the parties will nominate one Advocate Pleader Commissioner for measurement and will submit a report with regard to additional construction of 414 meters of boundary wall of the school premises, the cost of Pleader Commissioner shall be borne by the petitioners and Pleader Commissioner will submit a report within four weeks. Thereafter, the trial court will transmit the aforesaid report to this Court under sealed cover, so that final order be passed.

4. List this case on 03.04.2017.

5. Till then, interim order granted earlier shall continue.

6. Let a copy of order be handed over to learned APP and also transmitted to learned trial court through FAX.

7. Further, learned counsel for the petitioners is directed to deposit the aforesaid bank draft Rs. 6 lacs in the account of Sarv Sikhsha Abhiyan, Dhanbad who is directed to accept the bank draft. Petitioners are directed file a copy of the bank draft and receipt to be given by Sarv Sikhsha Abhiyan, Dhanbad in the trial court.

8. List this case after six weeks.

9. Till then, interim order dated 04.07.2016 shall continue.