

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5928 of 2023

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Manju Kumari Wife of Late Shashi Nath Ojha Resident of 405, Rameshwarm Apartment, Bhoot Nath Road, Pandey Motor Campus, Bahadurpur, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Bihar State Council of Technical Education, Government of Bihar, Patna.
2. The Secretary, Bihar State Council of Technical Education, Government of Bihar, Patna.
3. The Director, Science and Technology Department, Government of Bihar, Patna.
4. The Principal, Motihari Engineering College, Motihari.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Harendra Kumar Singh, Advocate
For the Respondent/s : Mr. Ajay (Ga5)

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 12-09-2025

Heard learned counsel for the parties.

2. The petitioner, widow of Late Shashi Nath Ojha who died-in-harness on 01.08.2020 while working as Associate Professor in the Motihari Engineering College, Motihari, has filed this writ petition seeking a direction to the respondents to refund an amount of Rs. 4,78,715/- which she had deposited with the Principal of the Motihari Engineering College, Motihari on 05.10.2021 on account of her late husband having taken the aforesaid amount for conducting Diploma Examination during the year 2009 – 2012 at Motihari



Engineering College Centre.

3. It is the case of the petitioner that she had deposited the aforesaid amount on 05.10.2021 with the Principal of the Motihari Engineering College, Motihari pursuant to letter dated 24.02.2021 written by the Principal of the Motihari Engineering College, Motihari to the Secretary, State Technical Education Council (Annexure – 1); letter dated 02.03.2021 written by the Secretary, State Technical Education Council, Bihar to the Principal, Motihari Engineering College, Motihari (Annexure – 2); letter dated 06.03.2021 written by the Principal, Motihari Engineering College to the Director, Science and Technology Department, Bihar (Annexure - 3) and Certificate of Dues dated 27.03.2021 issued by the Principal, Motihari Engineering College (Annexure – 4) showing that the petitioner was provided an advance amount to the tune of Rs. 4,78,715/- for centre expenditure for conducting Diploma Examination by the State Technical Education Council.

4. The petitioner contends that she had to deposit the amount of Rs. 4,78,715 with the Principal of the Motihari Engineering College, Motihari because of the fact that by the aforesaid letters (Annexure Nos. - 1, 2, 3) as well as the Certificate of Dues (Annexure – 4) the benefits accrued to the



petitioner from the services rendered by her husband was held up by the respondent authorities.

5. The petitioner, thus, contends that she had to deposit the aforesaid amount under coercion as all the benefits accrued to the petitioner for the services rendered by her late husband was held up and it was only after the aforesaid amount was deposited, No Dues Certificate, as contained in Annexure – 6 was issued by the Principal of the Motihari Engineering College, Motihari to enable the petitioner to receive the benefits that have accrued on account of the services rendered by her late husband. The petitioner further contends that the action of the respondent authorities in coercing the petitioner to deposit the aforesaid amount on the ground that the said amount was given to the petitioner's husband in the year 2009-2012 for conducting the diploma examination at Motihari Engineering Examination Centre was without the respondent authorities having taken any steps to recover the said amount while her late husband was alive and in the service.

6. Respondent Nos. 1 to 4 have contested the case by filing a counter affidavit in which it has been stated that petitioner's husband during his service tenure had taken an advance of Rs. 4,78,715/- for conducting Diploma Examination



at Motihari Engineering Examination Centre which was not adjusted by him while in service and accordingly, the aforesaid amount is due on the part of the petitioner's late husband and for recovery of the same, various correspondence were made.

7. In the counter affidavit filed by the respondent Nos. 1 to 4 it has not been denied that the aforesaid amount was given as advance to the petitioner's late husband for conducting the Diploma Examination in the year 2009-2012 nor the death of petitioner's husband on 01.08.2020 has been denied.

8. Upon hearing the learned counsel for the parties and on perusal of the materials placed on record it appears that an amount of Rs. 4,78,715/- was given to the petitioner's late husband for conducting Diploma Examination in the year 2009-2012 which remains not adjusted till the death of the petitioner's husband on 01.08.2020. At the relevant date, the late husband of the petitioner was working as Associate Professor in the Motihari Engineering College, Motihari and died-in-harness on 01.08.2020. It also appears that though the aforesaid amount was given to the petitioner's husband as far back as in the year 2009-2012 for conducting Diploma Examinations in the year 2009-2012 which amount remains not adjusted, no steps appears to have been taken by the respondent authorities to recover the



advance given to the petitioner's husband during his lifetime. The correspondence between the authorities appears to have been made only after the death of petitioner's husband on 01.08.2020 by various communications made between the authorities in the year 2021 as contained in (Annexure Nos. 1 – 4). It is also not disputed that the petitioner had deposited the aforesaid amount with the Principal of the Motihari Engineering College on 05.10.2021 in view of the various correspondence made between the authorities as contained in Annexure Nos. 1 – 4 of the writ petition, whereby, the benefits accrued to the petitioner for the services rendered by the petitioner's late husband was held up.

9. In the facts and circumstances of the case as discussed hereinabove and having taken note of the fact that the respondent authorities did not take any steps to recover the aforesaid amount from the petitioner's late husband during his lifetime while he was in service, more particularly, from the year 2012-2020 and also in the light of the fact that the petitioner had deposited the aforesaid amount on 05.10.2021 with the Principal of the Motihari Engineering College, Motihari under duress, as the service benefits of the petitioner's late husband which had accrued to the petitioner was held up by



the respondent authorities through various correspondences made between them as contained in Annexure 1 to 4 of the writ petition, I am of the considered view that this writ petition can be disposed off with the following orders:-

(i) The respondents shall refund the aforesaid amount deposited by the petitioner on 05.10.2021 within a period of two months from the date of receipt of certified copy of the order.

(ii) The respondents will be at liberty to initiate the process of recovery of the aforesaid amount from the petitioner, if such recovery is permissible under the law, if so advised.

10. The writ petition shall stand disposed off with the above directions.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.09.2025
Transmission Date	NA

