

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3307 of 2016

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Sabir Ali Ansari, S/o Riyajuddin Ansari, Resident of Village - Motha Jolha Toli, P.S. - Marhawrah, District - Chapra

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The Director, Bihar Siksha Pariyojna, Govt. of Bihar, Patna.
4. The Chairman cum the Collector, District Mid-day Meal, Saran.
5. The District Education Officer, District - Saran.
6. The District Programming Officer, Department of Education, District - Saran.
7. The In-charge Mid-Day Meal cum the Programmed Officer, Saran.
8. The Block Education Officer, Marhawrah, District - Saran.
9. The Block Mid-Day Meal In-charge, Marhawrah, District - Saran.
10. The Headmaster, Urdu Primary School, Mothaha Jolha Toli

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vitesh Kumar Singh, Advocate

For the Respondent/s : Mr. P.K.Verma, AAG-1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-09-2016 Heard Mr. Vitesh Kumar Singh, learned Counsel, appearing for the petitioner, and Mr. P.K. Verma, learned AAG No.1, appearing on behalf of the State-respondents.

With the help of this writ petition, made under Article 226 of the Constitution of India, in the form of Public Interest Litigation, the petitioner has alleged misappropriation of public fund in the distribution of Mid-day Meal in the School.

It is important to note that the respondents have specifically averred that upon enquiry made, it has been

revealed that the petitioner has locked the store-room of the School.

Having regard to the fact that the allegation made by the petitioner relates to misappropriation of public fund, the petitioner can lodge a *First Information Report* or a complaint case, we are clearly of the view that in the facts and attending circumstances of the present case, the extraordinary jurisdiction of this Court, under Article 226 of the Constitution of India, cannot be invoked.

In view of the above and in the interest of justice, while closing this writ petition, we make it clear that the petitioner may, if so advised, lodge a *First Information Report* with jurisdictional Police Station or institute a complaint case in a criminal Court of competent jurisdiction.

If a *First Information Report* is lodged or a complaint is filed, the same shall be dealt with expeditiously, in accordance with law.

With the above observation, this writ petition stands disposed of.

(I.A. Ansari,CJ)

(Anjana Mishra, J)

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