

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10157 of 2013

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Ganpati Kumar S/O Sri Harinarayan Rai R/O Village- Rasulpur, P.O.-
Rasulpur, P.S.- Dumara, District- Sitamarhi

.... Petitioner/s

Versus

1. The State Of Bihar through the Secretary Human Resources Department,
Government Of Bihar, Patna
2. The District Magistrate, Sitamarhi
3. The District Program Officer Mid Day Meal Scheme, Sitamarhi
4. The Block Sadhan Sevi Mid Day Meal Scheme, Prakhand-Dumara,
District- Sitamarhi
5. The Block Education Officer, Prakhand-Dumara, Sitamarhi
6. The in Charge Officer Of District Mid Day Meal Scheme, Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Respondent/s : Mr. Kumar Samarjeet Singh, AC to SC 22

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 11-07-2017 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks to challenge Letter No. 230
dated 07.03.2013 by which the petitioner's agreement to distribute
the rice under Mid Day Meal Scheme in the Schools of Dumara
Prakhand has been cancelled on the ground that there was a report
against him.

Learned counsel for the petitioner submits that
vide Letter No. 50 dated 22.01.2013 the District Programme
Officer, Mid Day Meal Scheme, Sitamarhi has issued a letter for
doing work as Samvedak for distribution of rice in the schools at



Dumara Prakhand under the Mid Day Meal Scheme. However, there was a report against the petitioner that he had not deposited the requisite number of bags in the middle school of Baraharawa (Urdu) and instead of 26 bags, only 22 bags have been deposited with him. Thereafter, on the complaint of the Head Master the rest four bags of rice were seized from the petitioner and deposited in the school which was duly received by the Head Master.

Learned counsel for the petitioner further submits that there is a contrary report of the Block Education Officer, Dumara, Sitamarhi which goes to show that the number of bags which were released in favour of the petitioner had already been deposited in the school.

This report, however, does not refer in any way to the case of the petitioner.

A counter affidavit has been filed by the respondent no. 6 (In-charge Officer of District Mid Day Meal Scheme, Sitamarhi) who has submitted that they have not violated the terms of the agreement rather the petitioner was at fault and since he had violated the terms of the agreement and had committed irregularities, the agreement between himself and the State was cancelled. The allegation against the petitioner was found to be true on the basis of enquiry made the Senior Officer



and, therefore, the impugned order cancelling the agreement of the petitioner cannot be vitiated.

Having heard learned counsel for the petitioner and learned counsel for the State and on perusal of the counter affidavit, the writ application is devoid of merit. It is, accordingly, dismissed.

(Anjana Mishra, J)

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