

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1412 of 2015

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Shiv Kumar Prasad S/o Paryag Prasad, Resident of Village Senari, Post Manjhouli, P.S. Sirdala, District- Nawada.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The District Magistrate cum Collector, Nawada.
4. The Additional District Magistrate cum District Incharge Officer, Mid day Meal Programme, Nawada.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad
For the Respondent/s : Mr. SC-19

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 06-02-2017 Heard Sri Sheo Kumar Prasad, learned counsel for the petitioner and Sri Rishi Raj Sinha, learned SC-19.

The petitioner has approached this Court, invoking its writ jurisdiction under Article-226 of the Constitution of India, with a prayer to quash an order contained in Memo No.603 dated 09.10.2014 issued under the signature of Respondent/ Addl. District Magistrate-cum- District Incharge Officer, Mid Day Meal Programme, Nawada. By the said order, a decision was taken to recover the amount of Rs.21,774/- from the petitioner.

A plea has been taken that the said order has been passed without any show cause notice. Meaning thereby the order



impugned has been passed contrary to the principle of natural justice.

It has been pleaded by learned counsel for the State that it is true that step for recovery of the amount was taken without any notice, but on the basis of inspection, it was found that the petitioner was showing inflated number of children and only thereafter, action was taken against the petitioner in accordance with law and order impugned was passed . However, he does not dispute that the order for recovery of amount was passed without any notice to the petitioner. Learned counsel for the petitioner has argued that in a similar matter, a Bench of this Court has disposed of the writ petition and allowed the same vide C.W.J.C.No.431 of 2015 on 10.04.2015. He has produced a Web copy of the order, which is kept on record and he makes a prayer that in same terms, the present writ petition may be disposed of.

Since the order was passed without following the principle of natural justice, certainly the impugned order requires interference. Accordingly , the order contained in Memo No. 603 dated 9.10.2014 is hereby set aside with a direction to Respondent no.4/ Addl. District Magistrate-cum- District Incharge Officer, Mid Day Meal Programme, Nawada that he will issue show cause notice to the petitioner and after following principle of natural



justice he may pass order afresh in accordance with law.

The writ petition is allowed with above observation
and direction.

(Rakesh Kumar, J)

NKS/-

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