

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12134 of 2014

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Nageshwar Prasad Singh Son of Late Ram Lal Singh resident of Village-
Bhatgama, Police Station- Bhargama, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Mid- Day Meal Scheme, Government of Bihar, Patna.
3. The District Magistrate, Araria.
4. The District Education Officer, Araria.
5. The District Programme Officer- cum- Officer, Incharge, District Mid- Day
Meal Scheme, Araria.
6. The Block Education Officer, Bhargama, Police Station- Bhargama, District-
Araria.
7. The Prakhanda Sadhan Sevi, Bhargama, Police Station: Bhargama, District-
Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the State	:	Ms. Alka Verma, AC to SC 17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 24-09-2018

This writ petition was filed on 17.07.2014 for quashing the order contained in letter dated 13.5.2014, so far as it relates to the petitioner, whereby a direction was issued to institute an FIR against the petitioner for defalcation found in the course of enquiry.

This writ petition was listed on different dates but none had appeared on behalf of the petitioner. Under the compelling circumstances today the case has been listed under the heading 'For Dismissal' to provide one more opportunity to the petitioner but even today none is appearing on behalf of the



petitioner. Under the aforesaid circumstances, this writ petition is disposed of the basis of the materials available on the record.

From the pleadings of the parties, it appears that the petitioner was fined Rs. 2313/- in connection with the irregularity in Mid-Day Meal and prayer has been made in the writ petition that the respondents are not justified in issuing direction for lodging the FIR for realization of the fine in terms of the Rule.

From the counter affidavit it appears that the respondents have not taken any step for institution of the FIR on account of pendency of the present writ petition. The liability of Rs. 2313/- was imposed on the petitioner on the basis of discrepancy in the number of students physically present and the Mid-Day Meal distributed among the students.

From perusal of Annexure-2 it appears that the action was taken on the complaint received in the Janta Darbar of the Chief Minister. In compliance of the direction contained in Annexure-2 the petitioner has deposited the amount of Rs. 2313/- and while depositing that amount the petitioner claimed that lodging of FIR is uncalled for.

The Court under the writ jurisdiction does not feel persuaded to issue any direction in the matter of lodging FIR. If the allegation constitutes offence and otherwise not prohibited



under the law, the respondents have to take appropriate decision and the Court will not interfere in the matter of exercise of the discretion of the respondents. However, considering the totality of the fact situation, the Court directs that the respondents may verify the record and to ascertain if there is any criminality in the matter, they may take step for lodging FIR.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.09.2018
Transmission Date	

