

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6032 of 2015

Prativa Kumari, wife of Sri Krishnadeo Sharma, Ex- Headmistress in Government Girls Middle School, Nawadah, P.O. + P.S. +Block + District-Nawadah, presently posted as District Education Officer, Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Mid-day Meal, Bihar, Patna.
3. The District Magistrate-cum-Collector, Nawadah.
4. The Additional District Magistrate-cum-District Incharge Officer, Mid-day Meal Nawadah.
5. The District Programme Officer, Mid-day Meal, Nawadah.
6. The District Education Officer, Nawadah
7. The District Sadhan Sevi, Nawadah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. A. Ujjwal SC-25

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 04-12-2018 Heard learned counsel for the parties.

The petitioner is aggrieved by the order dated 18.02.2015 as contained in Annexure-6 which was passed by the District Programme Officer, Midday Meal, Nawadah after quashing of the previous order in CWJC No. 17590 of 2014 vide judgment dated 27.01.2015. The reasoned order is reproduced here for ready reference:-

“Fresh order as per direction

1. That the petitioner filed a written application on 10.02.2015 of which the original copy attached herewith for the perusal of you honour.
2. That the petitioner filed the said application



through a an not in person.

3. That the petitioner concocted a story only what happened and what not.

4. That the petitioner, in support of his claim being innocent, failed to produce any evidence either oral written. She did not produce Mid-day-Meal Register.

5. That the application is very far from the truth.

6. That the petitioner is liable to pay the disputed amount (1,68,360/-).

7. That the liability of paying the said amount is fixed on the petitioner.

8. That the petitioner is silent on annexure-III means admitted.

9. That the petitioner is held guilty for the disputed amount.

And for this your petitioner shall even pray.

Nirmala Bharti

14.02.2015

District Programme Officer

Mid-day-Meal Yojna,

Nawada

From perusal of the reasoned order dated 18.2.2015/14.2.2015 impugned in the present writ petition, the Court is of the considered view that the District Programme Officer, Midday Meal has only ascribed the order as fresh order and there is absolutely no application of mind. None of the issues raised by the petitioner in Annexure-5 was addressed objectively in the order impugned.



Considering the aforesaid, the Court is constrained to hold that the order contained in Annexure-6 is unsustainable as it lacks application of mind. It has been settled law by various decisions of this Court as well as the Apex Court that reason is the essence of the decision. The Constitution Bench of the Apex Court in S.N. Mukherjee vs Union Of India: AIR 1990 SC 1984 has held that reason is third principles of natural justice. The order passed by the District Programme Officer, as contained in Annexure-6 absolutely lacks reason to sustain against the petitioner.

Accordingly, the order as contained in Annexure-6 is quashed. After quashing the order, Annexure-6 the petitioner would be entitled to all consequential benefits which shall be worked out by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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