

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.79 of 2017

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1. Md. Aiyub Son of Md. Islam Resident of Village- Dhabelwa, Ward No. 4,. Gram Panchayat Raj, Khulwania Jaralpur, P.S. Jogapatti, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Secretary, Education Department, Bihar, Patna.
2. The District Magistrate, West Champaran at Bettiah.
3. The District Program officer, Midday meal Yojna, West Champaran at Bettiah.
4. The Districtn Program Officer, Yojna and Lekha, West Champaran at Bettiah.
5. The District Education Officer, West Champaran at Bettiah.
6. The Block Development Officer, Jogapatti Block, West Champaran at Bettiah.
7. Sri Sikandar Azam Headmaster, Utkramit Madhya Vidyalaya, Dihi, Dhabelwa-1, Block and P.s. Jogapatti, District- West Champaran.
8. Md. Umar, Utkramit Madhya Vidyalaya, Dihi, Dhabelwa-2, Block and P.s. Jogapatti, District- West Champaran.
9. Sri Kausher Neyazi, Headmaster, Madarsa Islamia, Dihi, Dhabelwa, Block and P.S. Jogapatti, District- West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Respondent/s : Mr. Kameshwar Kumar (GP-17)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 07-02-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Present writ application has been filed by the petitioner, who claims to be a social worker, for a direction to the respondent nos.1 to 6 to lodge FIR against the respondent nos.7 to 9 for alleged misappropriation of food grains which was meant for



mid-day meal in their respective schools.

Learned counsel for the petitioner submits that from a joint enquiry report submitted by a team consisting of responsible officers of the State it would appear that certain irregularities have been found in connection with misappropriation of the mid-day meal and for that certain disciplinary action has been initiated against the erring persons. The grievance of the petitioner however is that a criminal case has not been lodged which should have been lodged against the persons responsible. Learned counsel submits that in this regard a complaint was made to the local police station as well as the Superintendent of Police, but no FIR was lodged.

On the other hand, learned counsel representing the State submits that this petitioner himself is not a credible person inasmuch as a criminal proceeding is pending against him and being Jogapatti P.S. Case No.243 of 2016 in which petitioner has been charge-sheeted under Section 387 I.P.C. Learned counsel further submits that an appropriate action has already been taken against the erring persons and Niyojan Unit/Secretary, Madarsa Committee is empowered to take any action or any punitive proceeding against the three in-charges of respective schools under the law. It is further submitted that the petitioner has



directly moved this Court without approaching the court of learned C.J.M. under Section 156(3) Cr.P.C.

I have considered the rival submissions and on perusal of the records, this Court is of the considered opinion that no direction need be issued by this Court in exercise of its extraordinary writ jurisdiction because the petitioner has directly moved this Court and has not exhausted the remedy available to him in terms of the provisions of the Cr.P.C. before the regular court and in terms of the judicial pronouncements of the Hon'ble Apex Court on the subject.

The writ application is accordingly dismissed.

(Rajeev Ranjan Prasad, J)

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