

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17176 of 2014

=====

Mosafir Prasad son of Bhuneshwar Prasad resident of village - Bakhari,
Police Station - Akbarpur, District - Nawada, presently posted as Head Master
Government Middle School, Govindpur, Circle - Govindpur, District -
Nawada.

... .. Petitioner/s

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 In-Charge Officer, Midday
Meal Programme, Nawada.
5. The District Education Officer, Nawada.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bipin Kumar
For the Respondent/s : Mr. Raj Kishore Rai, GP 18

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 11-10-2018

Heard learned counsel for the petitioner and learned
counsel appearing for the State.

In relation to Mid-day Meal the petitioner has been
fastened with the accountability of amount of Rs.1,00,266/- vide
order dated 20th August, 2014 passed by respondent no.4-
Additional District Magistrate-cum-District incharge Officer,
Midday Meal Programme, Nawada, whereby recovery of the
amount has been ordered.

Learned counsel appearing on behalf of the petitioner
has drawn the attention of the Court to the order dated 15.09.2014



passed by a Co-ordinate Bench of this Court in CWJC No. 15534 of 2014, whereby in similar circumstance, the Court granted liberty to the petitioner in that case to pursue his representation which was pending before the District Magistrate, Nawada and until final decision by the District Magistrate recovery was kept in abeyance.

Referring to the aforesaid order learned counsel for the petitioner submits that in the instant case the petitioner has also represented before the District Magistrate, Nawada, vide Annexure-2 which is still pending. He submits that in the present case only after providing opportunity of hearing to the petitioner, fresh accounting may be done for determining the liability of the petitioner and till then recovery of the amount in pursuance of the order of respondent no. 4 dated 20th August, 2014 should be stayed.

Considering the fact that the order of recovery was issued on 20th August, 2014 and for four years no action was taken by the respondents, at the same time the respondents have not disposed of the representation filed by the petitioner contained in Annexure-2, the writ petition is disposed of with liberty to the petitioner to file a fresh representation along with a copy of this order to provide him an opportunity in the matter of determination



of his liability with regard to Midday Meal and after opportunity of hearing to the petitioner, the District Magistrate, Nawada is required to take decision afresh in respect of the liability of the petitioner and thereafter the petitioner shall be obliged to make payment in accordance with law.

Until further orders, the order dated 20th August, 2014 shall not be given effect to.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.10.2018
Transmission Date	N.A.

