

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15266 of 2017

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Bishwanath Prasad Son of Basudeo Prasad, Resident of Mohalla- Sudama
Nagar, P.S.- Nawada, District- Nawada.

... .. Petitioner

Versus

1. The State Of Bihar through its 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 Midday
Meal Programme Nawada.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Sheo Kumar Prasad, Advocate
For the Respondents : Mr.Kameshwar Kumar -GP17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

Petitioner is aggrieved by the order contained in
Annexure-1 whereby respondents have taken a decision to
recover Rs. 74,736/- from the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that the action of the respondents is illegal and arbitrary
and without compliance of the principle of natural justice
inasmuch as, no notice or opportunity of hearing was provided
to the petitioner before taking such decision for recovery.

On behalf of respondents, a counter affidavit has been



filed in which a statement has been made that on a surprise inspection they found the petitioner involved in showing inflated number of children and on that basis the respondents have calculated embezzlement of Rs. 74,736/-. There is no denial of fact that action was taken without opportunity of the hearing to the petitioner.

In view of the law laid down by the Apex Court that no order visiting evil and civil consequences can be passed without compliance of principle of natural justice. The order contained in Annexure 1 fixing accountability to recover Rs. 74,736/- and odd cannot be sustained. Accordingly, Annexure-1 is quashed. However, quashing of Annexure-1 will not disentitle the respondent taking decision after opportunity of hearing to the petitioner in accordance with law.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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