

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6109 of 2020

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Gopal Kumar Thakur Son of Raj Paltan Thakur, resident of Village-
Dagarasam, P.O.- Kapachai Dagarasam, P.S.- Kapachai, District- Darbhanga,
Pin Code- 846009 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Commissioner, Darbhanga Division, District- Darbhanga.
3. The District Magistrate, Darbhanga.
4. The Deputy Development Commissioner, Darbhanga.
5. The Block Development Officer, Bahadurpur Block, District- Darbhanga.
6. Randhir Kumar Yadav, teacher Utkramit Madhya Vidyalaya Vasudeopur,
Bahadurpur Block, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prem Kumar
For the Respondent/s : Mr.Jitendra Kr. Roy 1 (Sc13)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-12-2021 Heard learned counsel for the petitioner and Mr.

Jitendra Kumar Roy, learned counsel for the State through video

conferencing.

The petitioner has filed the present writ application
for a direction to the respondents to take action against the
respondent no. 6 for misappropriation of scholarship fund and
Mid- Day- Meal fund provided to Utkramit Madhya Vidyalaya,
Vasudeopur under Bahadurpur block of Darbhanga district in
the financial year 2015-16 in connivance with the respondent
no. 5 i.e. Block Development Officer, Bahadurpur Block,
District- Darbhanga.

Mr. Choubey, learned counsel for the petitioner
submits that petitioner is the Mukhiya - cum -PACS Chairman,



Gram Panchayat Raj Tikapatti Dekuli and in the capacity of Mukhiya he is agitating the present matter for the welfare of the students.

On the other hand, Mr. Jitendra Kumar Roy, learned counsel for the State submits that similar grievance regarding misappropriation of scholarship fund and Mid- Day- Meal fund was raised by one Mithilesh Yadav against the respondent no. 6 and by a detailed order the original authority i.e. District Public Grievance Redressal Officer, Darbhanga on 10-12-2018 directed the District Education Officer, Darbhanga to recover the misappropriated amount from the respondent no. 6. The said order was challenged by the complainant - Mithilesh Yadav before the appellate authority i.e. Divisional Commissioner, Darbhanga under the Bihar Public Grievance Redressal Act however, by order dated 23-08-2019 he has come to the conclusion that no misappropriation of the amount towards scholarship and Mid -Day- Meal was committed by the respondent no. 6. Learned counsel for the State thus submits that when the matter has been settled at the level of the appellate authority i.e. Divisional Commissioner, Darbhanga, this writ application has been filed by a different person claiming himself as Mukhiya raising the same grievance before this Court, which



is not entertainable. He further submits that Mithilesh Yadav has not filed any petition before appropriate forum challenging the order of Divisional Commissioner, Darbhanga i.e. appellate authority under the Bihar Public Grievance Redressal Act.

Having heard learned counsel for the parties and after going through the materials available on record it appears that identical issue was raised by one Mithilesh Yadav against the respondent no. 6 under the Bihar Public Grievance Redressal Act and after hearing the concerned parties the appellate authority has come to the conclusion that fund has not been misappropriated by the respondent no. 6 and that order has come to finality inasmuch as the same has not been challenged by Mithilesh Yadav. As such, I am not inclined to entertain the writ application having similar complaint by another set of person i.e. the petitioner claiming himself as Mukhiya - cum - PACS Chairman of the locality.

Accordingly, the writ petition is dismissed.

(Anil Kumar Sinha, J)

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