

IN THE HIGH COURT OF JUDICATURE AT PATNA

C.W.J.C. No. 5661 of 2017

Ashok Kumar Ram, son of Moti Ram, r/o village-Kora, PS-Singhara, District-Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Darbhanga
3. The Trainee, I.A.S.-cum- Assistant District Magistrate-cum-Block Development Officer, Singhwada, District-Darbhanga
4. The Block Development Officer Singhwada, District-Darbhanga
5. The District Programme Officer, Mid-Day Meal Scheme, Darbhanga
6. The Zila Lok Nivaran Padadhikari, Darbhanga
7. The Secretariat School Education Committee, Primary School Kalwara, Block Singhwara, District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Aparajita Singh, Advocate

For the Opposite Party/s: Mr. Anil Kumar, AC to GP20

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

8 28-06-2021 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner Ms. Aparajita



Singh and the learned counsel for the State Sri Anil Kumar, AC to GP 20.

The present writ petition has been filed for quashing the order dated 04.11.2016, passed by the District Programme Officer, Mid-Day Meal Project, Darbhanga whereby and whereunder the petitioner has been directed to deposit a sum of Rs. 1,07,078/-, without any notice or grant of any opportunity to him to put forth his defence. The petitioner has also challenged the Memo dated 23.02.2017, whereby and whereunder the petitioner has been suspended.

The learned counsel for the State Sri Anil Kumar, AC to GP 20 has submitted that the suspension of the petitioner has already been revoked, he has been paid the due outstanding amount for the suspension period and a departmental proceeding has already been initiated.

The learned counsel for the petitioner does not dispute the fact that the suspension of the petitioner has been revoked, however submits that the aforesaid recovery of a sum of Rs. 1,07,078/-, sought to be made from the petitioner, be made contingent to the final outcome of the ongoing departmental proceeding, as against the petitioner.



Having regard to the facts and circumstances of the case, this Court finds that since the suspension of the petitioner has already been revoked, nothing survives for consideration in the present petition, hence the present writ petition stands disposed of as not pressed, however with an observation that the recovery of the aforesaid sum of Rs. 1,07,078/-, by the respondent-authorities from the petitioner, shall be subject to the final outcome of the ongoing departmental proceeding. It is needless to state that the petitioner would be at liberty to seek redressal of his subsisting grievance, if any, in accordance with law.

(Mohit Kumar Shah, J)

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