

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7607 of 2018

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Sudha Kumari D/o Late Ram Narayan Sah, W/o Amrendra Prasad Sah At
Post - Chouhatta, P.S. - Kishanpur, District - Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Bihar, Patna.
3. Regional Deputy Director Saharsa.
4. The District Educational Officer, Supaul.
5. The District Programme Officer Mid Day Meal Supaul.
6. The Block Education Officer, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Girjanand Prasad, Adv.
For the State	:	Mr.Smt. Binita Singh- Sc28 with Mr. Vivek Anand Amitesh, AC to SC, 28
For respondent M.D.M.	:	Mr. Girijish Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 22-08-2022

1. Heard the parties.

2. The petitioner was issued a show cause notice after conducting inspection with regard to wrongful entries of attendance for the purpose of disbursement of Mid-day-meal. After inspection, it was found that there is a difference of more than 33% in the Attendance Register and the actual attendance of the students. Accordingly, the Department found that there has been an embezzlement committed and directed the petitioner to deposit a sum of Rs. 58251/-. The petitioner preferred an appeal which has been rejected by the appellate



authority.

3. Learned counsel for the petitioner submits that the inspections were not done physically and there was no discrepancy in the Attendance Register and actual students. The petitioner is entitled to be exonerated of the charge and recovery ought not have been affected.

4. Counter affidavit has been filed by the respondents, wherein it has been stated that an inspection was conducted in terms of the directions issued by the Director and thereafter a demand notice was sent to the petitioner demanding him to deposit the amount of Rs. 58251/- calculated on the basis of difference of more than 33% attendance of the students and the claim led by the petitioner.

5. Leaned counsel submits that the embezzlement is found to be clearly made out.

6. I have considered the submissions and find that there is a vast difference between the number of students actually found to be studying on the day of inspection in comparison to the Attendance Register, wherein much higher number of students were shown. It is thus a clear case of embezzlement of public funds. However, it appears that the teacher has been treated lightly by the authorities and only a



demand for the excess amount has been taken up.

7. Without commenting on the approach adopted by the respondents State, and leaving further it to take a wise decision, I find no merits in submission of the petitioner in the present writ petition.

8. The writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 25

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