

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2061 of 2022

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1. Dharmendra Sah S/o Sri Dwarika Sah Resident of Village - Khudhnu Kala, P.O. - Sadokhar, P.S. Chenari, District- Rohtas (Contractor Mid Day food Programme Committee), Rohtas (Sasaram).
 2. Mukesh Kumar Jain S/o Jayvant Kumr Jain Resident of Mohalla - Subhash Nagar, Gali No. - 9, Dihri, P.S. - Chenari, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Mid- day Meal Programme, Education Department, Govt. of Bihar, Patna.
3. The District Magistrate - cum- Chairman, Contractor Selection Committee, Mid- day Meal Programme, Rohtas at Sasaram.
4. The District Magistrate, Rohtas (Sasaram).
5. The Deputy Development Commissioner, Rohtas.
6. The District Education Officer, Rohtas.
7. The District Programme Officer, Mid- day Meal Programme, Rohtas (Sasaram)

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dudh Nath Singh, Advocate
For the State	:	Ms.Abhanjalli (AC to GA-12)
For the Mid Day Meal	:	Mr. G. Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-03-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“i. For issuance of direction/directions or order/orders or writ/writs particularly in the nature of certiorari to quash the office order contained in Memo No. 29 dated 22.01.2022 and Memo No. 28 dated

22.01.2022 issued under the signature of District Education Officer-cum-In-Charge Officer, P.M. Nutrition Programme, Rohtas at Sasaram whereby and whereunder rescind/canceled agreements of the Petitioners respectively and Seize their security amount of Rs. 50,000/- each keeping in view of Clause 10 of Letter No.-2226 dated 20.11.2017 issued by the Director. P.M. Nutrition Programme, Bihar, Patna by which contractor himself and his near relative are found elected representative/ PDS Shop holder/ Govt. Servant/ worker of Bihar State Mid-day Meal at any level of their tenure.

ii. For issuance of direction or order or an appropriate writ for declaration of Clause 10 of guidelines contained in Letter No.-2226 dated 20.11.2017 issued under the signature of Director, Mid-day Meal Programme, Bihar, Patna is void on account of takes away or abridges the rights of the petitioners conferred part-3, fundamental right of the Constitution of India and struck down the same to the extent of the inconsistency or contravention of the Constitutional provision.

iii. For issuance of direction or order or an appropriate writ to the respondents for restoration of an agreement with all consequential benefit from the date of rescindment/ cancellation.

iv. For any other incidental and consequential relief/ reliefs to which the petitioners are found fit under the fact and circumstances of the case.

After some argument, learned counsel for the petitioners seek permission to withdraw this petition with liberty to approach the appropriate/competent forum for redressal of

their grievances as permissible in law.

This application is dismissed as withdrawn
reserving liberty to the writ petitioners to take recourse to such
remedies as are otherwise available in accordance with law.

However, it is made clear that this Court has not
expressed any opinion on the merits of the case and all issues of
facts and law are left open.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	