

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12365 of 2018

=====

Vinod Kumar Son of Natai Shah, resident of Ward No. 9 Theho Aanandpur
Dafmara District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Program Officer Supaul.
3. The District Education Officer Supaul.
4. The District Magistrate, Supaul.
5. The Director, Mid Meal Scheme Bihar, Patna.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 12373 of 2018

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Ram Krishna Thakur S/o Ramji Thakur R/o Ward No. 6, Nirmali District
Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Program Officer Supaul
3. The District Education Officer Supaul
4. The District Magistrate, Supaul
5. The Director, Mid Meal Scheme Bihar, Patna

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 12375 of 2018

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Md. Safiq Aalam S/o Md. Husain R/o Ward No. 5, Majhari, District- Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Program Officer Supaul



- 3. The District Education Officer Supaul.
- 4. The District Magistrare, Supaul
- 5. The Director, Mid Meal Scheme Bihar, Patna

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 12380 of 2018

=====

Ram Kumar Raman

... .. Petitioner/s

Versus

- 1. The State Of Bihar
- 2. The District Program Officer Supaul
- 3. The District Education Officer Supaul.
- 4. The District Magistrate, Supaul
- 5. The Director, Mid Meal Scheme Bihar, Patna

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 12393 of 2018

=====

Deo Narayan Ram Son of Rajendra Prasad Ram Resident of Khulhariya, Marauna, District- Supaul.

... .. Petitioner/s

Versus

- 1. The State Of Bihar
- 2. The District Program Officer, Supaul.
- 3. The District Education Officer, Supaul.
- 4. The District Magistrate, Supaul.
- 5. The District, Mid Meal Scheme Bihar, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 12394 of 2018

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Md. Shamsi Son of Abdularahak Resident of Kamalpur Ward No. 7, District- Supaul.



... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Program Officer Supaul.
3. The District Education Officer, Supaul.
4. The District Magistrate, Supaul.
5. The Director, Mid Meal Scheme Bihar, Patna.

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 12398 of 2018

=====

Sagheera Khatoon D/o Wasil Resident of Ward No. 4, Majhari Hariyahi,
District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Program Officer Supaul.
3. The District Education Officer Supaul.
4. The District Magistrate , Supaul.
5. The Director, Mid Meal Scheme Bihar, Patna.

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 12401 of 2018

=====

Nilam Kumari wife of Sanjay Kumar Gupta resident of Kunauli Bazar, Ward
No. 9, Kunauli, District Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Program Officer Supaul.
3. The District Education Officer, Supaul.
4. The District Magistrate, Supaul.
5. The Director, Mid Meal Scheme, Bihar, Patna.

... .. Respondent/s

=====

with



Civil Writ Jurisdiction Case No. 12418 of 2018

=====

Amar Kumar Ram son of Ram Prasad Ram resident of Ward No. 7, Nirmali,
District Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Program Officer, Supaul.
3. The District Education Officer, Supaul.
4. The District Magistrate, Supaul.
5. The Director, Mid Meal Scheme, Bihar, Patna.

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 12441 of 2018

=====

Dharmendra Kumar Shah Son of Hira Lal Sah, Resident of Village-
Ratansara, Parsa District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Program Officer, Supaul.
3. The District Education Officer, Supaul.
4. The District Magistrate, Supaul.
5. The Director, Mid Meal Scheme Bihar, Patna.

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 12452 of 2018

=====

Pramod Kumar Raut Son of Ram Lal Raut, Resident of Dengrahi Ward
No.11, Rahariya, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Program Officer Supaul.
3. The District Education Officer Supaul.
4. The District Magistrate, Supaul.
5. The Director, Mid Meal Scheme Bihar, Patna.



... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12456 of 2018

Rajendra Prasad Sahu Son of Bhagwan Datt Sahu, Resident of Majhaura,
Ward No. 10, Chhojrena, District Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Program Officer Supaul.
3. The District Education Officer Supaul.
4. The District Magistrate, Supaul.
5. The Director, Mid Meal Scheme Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12457 of 2018

Krishna Ballabh Singh Son of Budhi Lal Singh, resident of Village Dighiya
Ward No. 3, Nirmali, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Program Officer Supaul.
3. The District Education Officer, Supaul.
4. The District Magistrate, Supaul.
5. The Director, Mid Meal Scheme Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12498 of 2018

Raj Kumar Son of Jamedar Yadav Resident of Ward No. 5, Nirmali, District-
Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Programe Officer Supaul.
3. The District Education Officer, Supaul.



- 4. The District Magistrate, Supaul.
- 5. The Director, Mid Meal Scheme Bihar, Patna.

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 12501 of 2018

=====

Abha Kumari wife of Bhola Prasad Mehta resident of Village Sahban P.S.
Supaul, District Supaul.

... .. Petitioner/s

Versus

- 1. The State Of Bihar
- 2. The District Program Officer, Supaul.
- 3. The District Education Officer, Supaul.
- 4. The District Magistrate, Supaul.
- 5. The Director, Mid Meal Scheme Bihar, Patna.

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 12543 of 2018

=====

Shyam Sundar Prasad Son of Suraj Ram, Resident of Ward No.6, Birpur
Hatiya Road Birpur District- Supaul.

... .. Petitioner/s

Versus

- 1. The State Of Bihar
- 2. The District Program Officer, Supaul.
- 3. The District Education Officer, Supaul.
- 4. The District Magistrate, Supaul.
- 5. The Director, Mid Meal Scheme Bihar, Patna.

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 12547 of 2018

=====

Guru Sharan Shah Son of Sural Lal Shah, Resident of Village- Dagmara,
Ward No.8, District- Supaul.

... .. Petitioner/s

Versus



- 1. The State Of Bihar
- 2. The District Program Officer, Supaul.
- 3. The District Education Officer, Supaul.
- 4. The District Magistrate, Supaul.
- 5. The Director, Mid Meal Scheme, Bihar, Patna.

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 12556 of 2018

=====

Jai Narayan Singh Son of Malahi Singh, Resident of Piprahi Post Dighiya,
P.S.- Nirmali, District- Supaul.

... .. Petitioner/s

Versus

- 1. The State Of Bihar
- 2. The District Program Officer Supaul.
- 3. The District Education Officer, Supaul.
- 4. The District Magistrate, Supaul.
- 5. The Director Mid Meal Scheme Bihar, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 12566 of 2018

=====

Hari Narayan Mandal Son of Saryoo Mandal, Resident of Nirmali Ward No.
6, P.S. Nirmali, District- Supaul.

... .. Petitioner/s

Versus

- 1. The State Of Bihar
- 2. The District Program Officer, Supaul.
- 3. The District Education Officer Supaul.
- 4. The District Magistrate, Supaul.
- 5. The Director, Mid Meal Scheme Bihar, Patna.

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 12575 of 2018

=====



Pinki Kumari W/o Vijay Kumar Sahu Ward No. 4, Nirmali, District- Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Program Officer Supaul.
3. The District Education Officer Supaul.
4. The District Magistrare Supaul.
5. The Director, Mid Meal Scheme Bihar, Patna

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12582 of 2018

Baiju Prasad Gupta S/o Singheshwar Prasad Gupta R/o Ward No. 6, Kunauli Bazar, District Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Program Officer Supaul.
3. The District Education Officer Supaul
4. The District Magistrate, Supaul
5. The Director, Mid Meal Scheme Bihar, Patna

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 12365 of 2018)

For the Petitioner/s : Mr. Uma Shankar, Adv.
For the Respondent/s : Mr. Narendra Kumar, AC to GP-2
Mr. Samir Kumar, Adv.
Ms. Binita Singh, Adv.

For M.D.M. Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12373 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Mr. Madanjeet Kumar- Gp20
For M.D.M. : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12375 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12380 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Smt. Binita Singh -Sc28
For M.D.M. : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12393 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Mr. Binita Singh- Sc28
For M.D.M. : Mr. Girijesh Kumar, Adv.



(In Civil Writ Jurisdiction Case No. 12394 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Mr. Madanjeet Kumar -Gp- 20
For M.D.M. : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12398 of 2018)

For the Petitioner/s : Mr. Prem Kumar
For the Respondent/s : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12401 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12418 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Smt. Shilpa Singh -Ga12
For M.D.M. : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12441 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Mr. Madhaw Prasad Yadav -Gp23
For M.D.M. : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12452 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Mr. Madhaw Prasad Yadav -Gp23
For M.D.M. : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12456 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Mr. Kameshwar Kumar -Gp17
For M.D.M. : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12457 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Mr. Prabhakar Jha- Gp27
For M.D.M. : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12498 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Mr. Kameshwar Kumar -Gp17
For M.D.M. : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12501 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Smt. Shilpa Singh- Ga12
For M.D.M. : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12543 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12547 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Smt. Binita Singh – Sc28
For M.D.M. : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12556 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12566 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Mr. Madhaw Prasad Yadav – Gp23
For M.D.M. : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12575 of 2018)

For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Mr. Kameshwar Kumar -Gp17
For M.D.M. : Mr. Girijesh Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 12582 of 2018)



For the Petitioner/s : Mr. Prem Kumar, Adv.
For the Respondent/s : Mr. Jitendra Kr.Roy-1 Sc13
For M.D.M. : Mr. Girijesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

3 30-08-2022 Learned counsel for the petitioners submits that the petitioners have been saddled with recovery orders relating to the inspection conducted of mid day meals scheme. As per the orders passed by the Director, where ever there is more than 10 % of difference found during the inspection, recovery orders have been directed to be issued against the concerned Headmaster. Learned counsel submits that there are different reasons in each case relating to the attendance being short and the said reasons ought to be taken into consideration by the authority after giving the petitioner an opportunity of hearing to the Headmaster concerned, speaking orders should be passed. Learned counsel submits that the orders passed by the Director are contrary to the principle of natural justice. He relied upon the judgment passed by this Court in C.W.J.C. No.402 of 2018 decided by this Court on 04.07.2022 in support of his submission.

Per contra, learned counsel appearing for the State submits that the inspections were conducted and accordingly the concerned orders of recovery was passed where deficiency was found. Moreover, the headmasters have preferred appeals



against the said order, which have been rejected upholding the orders of recovery. In view thereof, no further opportunity is required to be given to the petitioners.

I have reflected on the submissions.

I find that it is the case of the petitioners, while they have preferred appeal against the orders to the District Education Officer, their appeals have been summarily rejected without passing speaking orders and without giving them opportunity of hearing. The reasons assigned by the concerned respective Headmasters of the school has not been addressed to before holding the recovery to be in accordance with law.

In the opinion of this court, the requirement of principle of *audi alterem partem* has not been fulfilled. This court in a similar case had expressed its dissatisfaction and find that fair opportunity to defend was not provided to the petitioner in relation to recovery being made with regard to mid day meal expenses and following orders was passed:-

“Having considered the submissions as above and after perusal of the order impugned, this Court is satisfied that fair opportunity to defend was not provided to the petitioner. Accordingly, the order dated 15.12.2017 is quashed and set aside. However, the respondents shall be free to conduct



*an enquiry and provide opportunity of hearing to
the petitioner and pass order afresh*

With the aforesaid, this writ petition is allowed.”

In the present case also therefore this court takes a similar view and accordingly the orders dated 18.01.2017 in C.W.J.C. No.12365/2018, dated 19.04.2017 in C.W.J.C. No.12373/2018, dated 19.04.2017 & 03.04.2018 in C.W.J.C. No.12375, dated 31.10.2016 & 03.04.2018 in C.W.J.C. No.12380/2018, dated 18.01.2017 & 13.11.2017 in C.W.J.C. No.12393/2018, dated 08.04.2017 & 03.04.2018 in C.W.J.C. No.12394/2018, dated 19.04.2017 & 03.04.2018 in C.W.J.C. No.12398/2018, dated 18.01.2017 & 03.04.2018 C.W.J.C. No.12401/2018, dated 19.04.2017 & 03.04.2018 in C.W.J.C. No.12418/2018, dated 10.01.2018 & 03.04.2018 in C.W.J.C. No.12441/2018, dated 18.01.2017 & 03.04.2018 in C.W.J.C. No.12452/2018, dated 07.10.2017 & 03.04.2018 in C.W.J.C. No.12456/2018, dated 20.03.2017 & 13.11.2017 in C.W.J.C. No.12457/2018, dated 13.12.2016 & 10.05.2017 in C.W.J.C. No.12498/2018, dated 08.04.2017 & 13.11.2017 in C.W.J.C. No.12501/2018, dated 08.04.2017 & 13.11.2017 in C.W.J.C. No.12543/2018, dated 18.01.2017 & 03.04.2018 in C.W.J.C. No.12547/2018, dated 08.04.2017 & 13.11.2017 in C.W.J.C. No.12556/2018, dated 18.01.2017 & 13.11.2017 in C.W.J.C.



No.12566/2018, dated 10.01.2018 & 03.04.2018 in C.W.J.C.
No.12575/2018, dated 18.01.2017 & 03.04.2018 in C.W.J.C.
No. 12582/2018 are quashed and set aside.

However, the respondents shall be free to conduct
enquiry and provide opportunity of hearing to the petitioners
and pass orders afresh.

The writ petitions are allowed to the aforesaid
extent.

(Sanjeev Prakash Sharma, J)

amit/-
item no.28

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