

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.402 of 2018

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Balindra Prasad Son of Sri Prajapat Resident of At Hichhapur, P.O. -
Madhopur, P.S. - Konch, District - Gaya at present posted as Prabhari
Pradhanadhyapak in Middle School Barvadih, Prakhand Barachatti, Gaya.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Director, Mid-day Meal State, Govt. of Bihar, Patna.
5. The Regional Deputy Director of Education, Magadh Division, Gaya.
6. The District Education Officer, Gaya.
7. The District Programme Officer (Establishment), Gaya.
8. The District Programme Officer, Mid-day Meal Scheme, Gaya.
9. The Block Resource Persons, Mid-day Meal Barachatti Prakhand, District -
Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Adv.

For the Respondent/s : Mr. S.C. Mishra- SC-16

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

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

4 04-07-2022 Heard the parties.

The petitioner by way of this writ petition assails the
order passed by the respondents dated 15.12.2017, whereby the
recovery of an amount of Rs. 70950/- has been directed to be
made on account of excess amount found to have been taken



against the Mid Day Meal expenses. On an instruction conducted of the school, it was found that there is a difference of more than 10 percent students against 426 students, only 126 students was present on the said date.

Learned counsel for the petitioner submits that the order has been passed arbitrarily and without giving him opportunity to defend himself.

Per contra, learned counsel for the State submits that a show cause notice was issued and reply was filed by the petitioner and finding it not acceptable, they are finding it unsatisfactory, the order was passed.

This Court while issuing notices, stayed the operation of the order dated 15.12.2017 and directed that there shall be no recovery pursuant to it.

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.

(Sanjeev Prakash Sharma, J)

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