

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2615 of 2023**

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Nitesh Kumar Son of Shri Kameshwar Prasad Singh Resident of Village-Surja Bigha, PO- Khijarsarai, PS- Hemara, Gaya, Bihar-824233.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Human Resources Development Department Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Human Resources Development Department Government of Bihar, New Secretariat, Patna.
3. The Additional Chief Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
4. The Director, Midday Meal Scheme, Human Resources Development Department Government of Bihar, New Secretariat, Patna.
5. The Director, Pradhan Mantri Poshan Yojna, Budh Marg Patna, Bihar.
6. The District Education Officer, Bhojpur.
7. The Block Development Officer, Badhara, Bhojpur.
8. The District Program Officer, Bhojpur, Ara.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|---------------------------------------------------------|
| For the Petitioner/s | : | Mr.Sanjeev Kumar Mishra,Adv with Mr.Manini Jaiswal, Adv |
| For the State        | : | Mr.Jitendra Kumar Roy 1 ( SC 13 )                       |
| For the Respondent   | : | Mr.Girijish Kumar, Adv.                                 |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

5      26-07-2023                      Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel for the Respondent No. 4 and 5.

2. The petitioner was working as an accountant on a contract basis under the Midday Meal Scheme. He was served with the show cause notice dated 16.07.2019 (Annexure 6) because certain funds had been transferred to a Girls Primary School, Luvkushpur, which was in excess and highly



disproportionate to the number of students enrolled in the said schools (61). Huge funds were transferred into the bank account of the school, which were immediately withdrawn by the headmaster. When the issue surfaced, show cause notice was issued to the petitioner, who was the accountant, as to how the funds had been transferred from the Midday Meal Scheme.

3. Response of the petitioner in his reply to the show cause submitted on 22.07.2019 (Annexure 7), is being extracted, relevant part of response, which reads as follows:

"उपर्युक्त प्रासंगिक विषयक के संबंध में अंकित करना है कि निदेशालय, म०भो०यो०, बिहार, पटना के निदेशानुसार योजना संचालित विद्यालय में मध्याह्न भोजन योजना से संबंधित परिवर्तन मूल्य की राशि MIS के माध्यम से ही एडवाइस जेनरेट कर भेजी जाती हैं। उक्त विद्यालय में भी वर्ष 2017 में MIS के माध्यम जेनरेटेड एडवाइस के आधार राशि निर्गत किया गया है। कुल 61 नामांकित बच्चों वाले विद्यालय में इतनी बड़ी राशि तकनीकी कारण से निर्गत हो गया है। इस संबंध में विद्यालय से एवं किसी अन्य श्रोतों के माध्यम इतनी बड़ी राशि निर्गत होने के संबंध में कोई शिकायत कार्यालय को प्राप्त नहीं हुआ जिसके कारण इस प्रकार की निर्गत राशि पर मेरे द्वारा या कार्यालय द्वारा संज्ञान में नहीं लिया जा सका, इसके लिए मैं क्षमा प्रार्थी हूँ साथ



*ही भविष्य में इसकी पुनर्वाप्ति नहीं होगी।"*

4. The above facts show that the petitioner does not dispute the fact that excessive amount disproportionate to the number of students have been transferred to the school. However, he has taken a plea that the same has occurred due to technical reasons. Since no complain was made, he could not take cognizance of such transfer of funds disproportionate to the number of students enrolled in the school. The facts being so, it is obvious that petitioner has accepted the latches being alleged against him, but has tried to justify the same. Thus, in the opinion of this Court, termination of his contractual existence is the least that could have been done.

5. The Court does not find any reason to interfere with the termination of his contractual services under order dated 29.06.2022 ( Annexure 10).

6. The writ application is dismissed.

**(Madhuresh Prasad, J)**

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