

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3496 of 2019

1. Raman Ray and Ors son of Yogeswar Ray resident of Mohalla- Gautam Nagar, Gangjala, P.S.- Saharsa, District- Saharsa, at present Headmaster Maujelal Sharma, Ram Middle School, Bangaon, P.S.- Bangaon, Anchal- Kahra, District- Saharsa.
2. Chandan Kumar Mishra son of Shivanand Misra @ Shivanand Mishra resident of Mohalla- Adarsh Nagar, Saharsa Basti, Ward No. 32, P.S. and District- Saharsa, at present Headmaster Shashikala Middle School, Chainpur, P.S. Bangaon, Anchal- Kahra, District- Saharsa,
3. Vidyanand Jha son of Madhav Jha resident of Mohalla- Gautam Nagar, Gangjala, Saharsa, P.S. and District- Saharsa, at present Headmaster Middle School, Buchchan Sah Saharsa, P.S. Saharsa, Anchal- Kahra, District- Saharsa.
4. Vivekanand Jha son of Madhav Jha resident of Mohalla- Gautam Nagar, Gangjala, Ward No. 15, Saharsa, P.S. and District- Saharsa, at present Headmaster Maheshwar Anant Middle School, Bangaon, P.S.- Bangaon, Anchal- Kahra, District- Saharsa.
5. Pankaj Kumar son of Shree Kant Khan resident of Village- Parari, P.S.- Bangaon, District- Saharsa, at present Headmaster Gopal Middle School, Parari, P.S. Bangaon, Anchal- Kahra, District- Saharsa.
6. Sharat Chandra Mishra son of Rajesh Chandra Mishra resident of Mishra Tola, Sihaul, P.S. Bihra, District- Saharsa, at present Headmaster Sanskrit Utkramit Middle School, Bangaon, P.S. Bangaon, Anchal- Kahra, District- Saharsa.
7. Surendra Kumar son of Sadho Sahu resident of Village- Rupnagar, Ward No. 37, Saharsa, P.S. and District- Saharsa, at present Headmaster Middle School, Patuaha, P.S. Saharsa, Anchal- Kahra, District- Saharsa.
8. Nunu Kumari wife of Bhawanand Ray resident of Mohalla- Shivpuri, Ward No. 13, Saharsa, P.S. and District- Saharsa, at present Headmaster Middle School, Koshi Colony, Saharsa, P.S. Saharsa, Anchal- Kahra, District- Saharsa.
9. Anila Kumari wife of Ghan Shyam Prasad resident of Bypass Road Near Bhavi Sah Shiv Mandir Radha Krishna Nagar, Gangjala, Saharsa, Ward No. 13, P.S. and District- Saharsa, at present Headmaster Nav Primary School Radha Nagar, P.S. Saharsa, Anchal- Kahra, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Director Mid Day Meal Scheme Bihar, Patna.
5. The Divisional Commissioner, Koshi Division, Saharsa.
6. The District Magistrate, Saharsa.



7. The District Education Officer, Saharsa.
8. The District Programme Officer (Establishment), Saharsa.
9. The District Programme Officer Mid Day Meal Scheme Saharsa.
10. The Block Education Officer, Kahra, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha
For the Respondent/s : Mr.Jitendra Kumar Roy1 (Sc13)
Mr. Hitesh Suman, AC to SC 13
Mr. Girijish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 23-11-2023

1. Heard the parties.

2. Learned counsel for the State as well as learned counsel appearing for the Mid Day Meal Scheme submit that in the present writ application all the petitioners are the Headmaster of the respective schools who have challenged the impugned letter issued by the District Programme Officer, Mid Day Meal Scheme, Saharsa directing them to deposit / refund the excess amount received by them for providing mid-day meal.

3. Learned counsel for the Mid Day Meal Scheme submits that upon inspection by the District Education Officer / District Programme Officer, it was found that the number of children were less than the attendance made by the Headmaster of the respective schools.

4. Taking into consideration the nature of dispute, in



my opinion, it is appropriate for the Director, Mid Day Meal Scheme, Patna to hear both the parties and pass a final order upon the letter of recovery issued by the District Programme Officer, Mid Day Meal Scheme, Saharsa.

5. Accordingly, I direct the respondent no. 4 / Director, Mid Day Meal Scheme, Bihar, Patna to fix a date for appearance of the petitioners as well as the District Programme Officer, Saharsa / District Education Officer, Saharsa before him, for giving them personal hearing and deciding the matter by a reasoned order.

6. The entire exercise must be completed by the Director, Mid Day Meal Scheme, Bihar, Patna within a period of six months from the date of receipt / production of a copy of this order.

7. With the aforesaid observation and direction, this writ application stands disposed of.

(Anil Kumar Sinha, J)

praful/-

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