

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5673 of 2022

Vijay Pratap Singh Son of Bikrama Ditya Singh Resident of 506, Tara Tower,
North, P.O. and P.S.-Shastri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secreary, Department of Education,
Government of Bihar, Patna
2. The Principal Secreary, Departm,ent of Education, Government of Bihar,
Patna.
3. The Director, Mid-Day Meal Scheme, Department of Education,
Government of Bihar, Patna.
4. The Deputy Director,-Mid-Day Meal Scheme, Government of Bihar,Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jai Bhadur Singh, Sr. Adv. Mr.Brisketu Sharan Pandey
For the Respondent/s	:	Mr.Jitendra Kumar Roy 1 (Sc 13) Mr. Jai Prabhat Kishore, AC to SC-13
For the MDM	:	Mr. Girijish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-11-2023 The present writ petition has been filed seeking the
following relief:-

“1. For issuing appropriate writ/writs,
direction/directions including the writ of
certiorari directing thereby quashing of letter
dated 26.08.2013 issued by Respondent No.3
(Director Mid-Day Meal Scheme, Bihar, Patna)
whereby and whereunder casting on the aspersion
on the petitioner regarding non improvement in
his conduct, the renewal contract of petitioner has
been denied.

For issuing appropriate writ/writs,
direction/directions including the writ certiorari



and thereby quashing appellate order dated 29.01.2016(for which a hearing was supposed to be conducted on 22.01.2016) issued by Respondent No.2 (Principal Secretary, Department of Education, Government of Bihar) whereby and whereunder the appeal of the petitioner challenging the order dated 26.08.2013 has been rejected even without granting personal hearing to the petitioner.

Further issuing writ of mandamus and thereby directing the Respondent No.3 (Director, Mid-Day Meal, Department of Education, Government of Bihar) to hear the afresh before taking any decision or casting any aspersion on the conduct of the petitioner while rejecting the claim of extension of contract of the petitioner.

Further issuing writ of mandamus and thereby directing the Respondent No.2 (Principal Secretary, Department of Education, Government of Bihar) to hear the review application filed by the petitioner against the order dated 29.01.2016 for which the date of hearing was supposed to be held on 22.01.2016 as per letter dated 18.01.2016 (Annexure P/6) and grant him personal hearing to the petitioner and decide and upon hearing the petitioner on the issues in relation to illegality in the order dated 26.08.2013.

Further the Hon'ble Court may be pleased to hold that the appellate order dated 29.01.2016 is bad in law as the same has been passed without



affording an opportunity of hearing to the petitioner.

Further consequent upon the quashing of letter dated 26.08.2013 (Annexure-P/1) and 29.01.2016 (Annexure-P/2) the Respondents be directed to reinstate the petitioner with all consequential benefit and allow him to continue until the appeal/review filed by the petitioner is decided by Respondent No.3.

Further the Hon'ble Court may pass any order/ orders, direction/directions which it may deem fit within the facts and circumstances of the case and within the ends of equity justice and good conscience.”

2. At the outset, the learned Senior Counsel for the petitioner submits that the petitioner would be satisfied in case the aspersion, if any, casted upon the petitioner, by the order of removal dated 26.8.2013, passed by the Director, Mid-Day Meal Scheme, Department of Education, Government of Bihar, Patna, or for that matter by any other consequential order is directed to be expunged. It is directed accordingly.
3. The present writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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