

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10199 of 2019

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1. Kiran Prakash Choudhary S/o Bhagwan Choudhary Resident of Village- Mahishi North Ward No.10, P.S.- Mahishi, District- Saharsa at present Head Master Ramesh Girls Middle School Bangaon, P.S.- Bangaon Anchal Kahra, District- Saharsa.
 2. Shailendra Prasad Yadav Guneshwar Prasad Yadav Resident of Mohalla- Batraha Anuplal Boring Road, Ward No.23, Saharsa, P.S. and District- Saharsa at present Middle School New Colony Saharsa, P.S.- Saharsa, Anchal- Saharsa, District- Saharsa.
 3. Deo Kant Bihari Resident of Village- Parari Near Mahavir Temple Ward No.4, P.S.- Bangaon, District- Saharsa at present Head Master Girls Primary School Parari P.S.- Bangaon, Anchal, District- Saharsa.
 4. Shambhu Jha S/o Kapileshwar Jha Resident of Mohalla- Krishna Nagar Batraha Ward No.23, Saharsa, P.S. and District- Saharsa at present Headmaster Middle School Kahra, P.S.- Saharsa Anchal Kahra, District- Saharsa.
 5. Shastri Kala Rani W/o Vijay Kumar Singh Resident of Kunwar Toal Gangdla Chowk Ward No.18 Saharsa P.S. and District Saharsa of present Primary School Chadni Chouk Saharsa P.S. Saharsa Anchal, Kahra, District- Saharsa.
 6. Roshan Kumar Kamat S/o Indradev Kamat Resident of Narganj Tola Ward No.3, Bangaon, P.S.- Bangaon, District- Saharsa. at present New Srijit Primary School Bharha, P.S. Bangam Anchal Kahra, District- Saharsa.
 7. Amardeep Kumar S/o Damodar Prasad Resident of Village- Bishanpur Daulat, P.S.-, and District- Supaul, at present New Srijit Primary School Kathri Ramtola, P.S.- Bangaon, 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 : Smt. Shilpa Singh (Ga12)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 15-12-2023

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 (Establishment), Saharsa, 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 Bihar, 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 (Establishment), 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)

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