

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5505 of 2018

1. Ramesh Kumar son of Late Krishna Sah Resident of village and P.O. Chuhari, P.S. Chanpatia, District - West Champaran at Bettiah, the Incharge Headmastr, Primary School Gotia Tola, Anchal - Chanpatia, District - West Champaran at Bettiah.
2. Md. Nazmul Hoda son of Harun Mian Resident of village - Sisai, P.O. Malahi, P.S. - D.K. Shikarpur, District - West Champaran at Bettiah, the Incharge Headmaster Primary School Budhwan, Anchal - Narkatiyaganj, District - West Champaran at Bettiah.
3. Shamim Akhtar Resident of village and P.O. Belwa, P.S. Sathi, District - West Champaran at Bettiah, the then Incharge Headmaster now Assistant Teacher, Middle School, Kathari, Anchal - Narkatiyaganj, District - West Champaran at Bettiah.
4. Arvind Kumar Mishra son of Sri Shambhu Sharan Mishra Resident of village - Semari, P.O. and P.S. Sathi, District - West Champaran at Bettiah, the then Incharge Headmaster and now Assistant Teacher, Upgraded Middle School, Harnahiya, Anchal - Narkatiyaganj, District - West Champaran at Bettiah.
5. Munni Kumari daughter of Kanhaiya Prasad Resident of village - Semari, P.O. and P.S. - Sathi, District - West Champaran at Bettiah, the Incharge Headmaster Primary School, Krishi Bazar, Anchal - Narkatiyaganj, District - West Champaran at Bettiah.
6. Ashok Singh son of Bodhi Singh Resident of village and P.O. Dhokraha, P.S. Manjhaulia, District - West Champaran at Bettiah, the Incharge Headmaster Primary School, Ratan Babu Ke Tola, Lagunaha, Anchal - Chanpatia, District - West Champaran at Bettiah.
7. Akhileshwar Prasad Rai son of Sri Jang Bahadur Rai Resident of village - Rai Dhurwa, P.O. Bettiah Dih, P.S. Manuapul, District - West Champaran at Bettiah, the Headmaster, Upgraded Middle School, Saryu Mahto Ke Tola, Anchal - Chanpatia, District - West Champaran at Bettiah.
8. Izharul Haque son of Late Sheikh Ibadar Resident of village and P.O. Belwa, P.S. Sathi, District - West Champaran at Bettiah, the Incharge Headmaster, Primary School, Hasanpur, Anchal - Narkatiyaganj, District - West Champaran at Bettiah.
9. Norin Anju wife of Amit Walter Resident of Christian Quarter, Church Road, Ward No. 8, Bettiah, P.O. and P.S. Bettiah, District - West Champaran at Bettiah, the then Incharge Headmaster, Primary School, Langar Shukul Tola, Anchal - Chanpatia, District - West Champaran at Bettiah.
10. Krishna Prasad Rai son of Late Bikau Rai Resident of village - Khora, P.O. Pokharia Rai, P.S. Chanpatia, District - West Champaran at Bettiah, the Incharge Headmaster, Primary School, Pokharia Rai, Anchal - Chanpatia, District - West Champaran at Bettiah.
11. Prabhu Ram son of Late Ram Ratan Ram Resident of village - Ratanpura, P.O. Pokharia Rai, P.S. Chanpatia, District - West Champaran at Bettiah, the then Incharge Headmaster, Middle School, Gobinapur, now Assistant



Teacher, Middle School, Jaitia, Anchal - Chanpatia, District - West Champaran at Bettiah.

12. Mojahir Hasan son of Rafique Hasan Resident of village - Bairiya Tiwary Tola, P.O. and P.S. Bairia, District - West Champaran at Bettiah, the Incharge Headmaster, Primary School, Urdu Mian Tola, Anchal - Bairia, District - West Champaran at Bettiah.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Director, Mid Day Meal Scheme, Education Department, Government of Bihar, Patna.
5. The District Magistrate, West Champaran at Bettiah, District - West Champaran at Bettiah.
6. The District Education Officer, West Champaran at Bettiah, District - West Champaran at Bettiah.
7. The District Programme Officer Establishment, West Champaran at Bettiah, District - West Champaran
8. The District Programme Officer, Mid Day Meal Scheme, West Champaran at Bettiah, District - West Cha
9. The Block Education Officer, Chanpatia, District - West Champaran at Bettiah.
10. The Block Education Officer, Narkatiyaganj, District - West Champaran at Bettiah.
11. The Block Education Officer, Bairiya, District - West Champaran at Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Adv. Mr. Anita Kumari, Adv
For the Respondent/s	:	Mr. Prabhakar Jha, GP-27 Mr. Umesh Narayan Dubey, AC to GP-27
For MDM	:	Mr. Girijesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

9 04-05-2023 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 Head Masters/Incharge Head Masters of the respective schools who have challenged the impugned letter issued by the District Programme Officer, directing them to deposit/refund the excess amount received by them for providing mid-day meal.

3. Learned counsel for the Mid Day Meal 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 Head Masters of the respective schools.

4. Taking into consideration the nature of dispute, in my opinion, it is appropriate for the Director, Mid Day Meal to hear both the parties and pass a final order upon the letter of recovery issued by the District Programme Officer.

5. Accordingly, I direct the Director, Mid Day Meal to fix a date for appearance of the petitioners as well as the respective District Programme Officer/District Education Officer 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 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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