

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15449 of 2014**

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Ranjan Bhaskar Daughter of Ram Udgar Prasad Yadav, resident of village-  
Bela Singar Moti, P.O.- Bijia, P.S.- Nirmali, District- Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Education Department, Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Mid-day Meal Scheme, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director, Education Koshi Division, Saharsa.
5. The District Magistrate, Supaul.
6. The Deputy Collector-cum-Incharge Officer, Mid-day Meal Scheme, Supaul.
7. The District Education Officer, Supaul.
8. The District Programme Officer Establishment, Supaul.
9. The Block Education Officer, Nirmali, Supaul.
10. Prahlad Kumar son of Late Suman Yadav resident of village- Bela Singar Moti, P.O.- Bijia, P.S.- Nirmali, District- Supaul.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Ms. Shashi Priya Pathak, Advocate |
| For the State        | : | Mr. Sarvesh Kumar Singh, AAG-13   |
| For the MDM          | : | Mr. Girijish Kumar, Advocate      |

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL JUDGMENT**

**Date : 25-01-2024**

1. Heard learned counsel for the petitioner and  
learned counsel for the respondents.

2. The petitioner has filed the instant application for  
the following relief(s):-

*“a. Issuance of an order direction or writ in the nature  
of certiorari to quash the letter no-623 dated 29-05-  
2014 issued by the Deputy collector-cum-In charge  
Officer, Mid day Meal Scheme, Supaul (Respondent no-  
4) whereby and where under Respondent no-4 directed*



*the petitioner to deposit the cheque or Draft of Rs. 1,26,634/- in the Office of the Respondent no-4.*

*b. Issuance of an order direction or writ in the nature of certiorari to quash the consequential order dated 07-07-2014 Memo no.1141 dated 07-07-2014 issued by the District Program Officer, (Establishment), Supaul( Respondent no-8 whereby and where under the Respondent no-8 directed the petitioner to deposit the alleged defaultated money as per the direction of Respondent no-4 otherwise the said money shall be recovered from her salary from the month of July 2014 and it was further directed till the entire amount shall not be recovered her salary shall remain stop.*

*c. Issuance of an order direction or writ in the nature of mandamus directing the respondents to pay the salary of the petitioner from the month of July 2014 to till date.*

*d. Any other relief or reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.”*

3. The case of the petitioner in brief is that on unsubstantiated allegations as is borne out from letter no. 623 dated 29.5.2014, a direction was given to the petitioner to deposit a sum of Rs.1,26,634/- by way of a cheque/draft in connection with the Mid Day Meal Scheme in the office of the Deputy Collector-cum-Incharge Officer, Mid Day Meal Scheme, Supaul. The allegation against the petitioner was that while the number of students actually having Mid Day Meal under the



said scheme was much less, the petitioner had incorrectly shown an inflated number of students which on inspection was found to be incorrect. The letter dated 29.5.2014 states that on inspection on 26.2.2014, the school was found to be closed. Consequently, letter no.380 dated 22.3.2014 was issued to the petitioner asking her to show cause to which the petitioner did not reply.

4. Learned counsel for the petitioner in reference to her letter dated 7.6.2014 (Annexure-12) submits that it was categorically stated by the petitioner therein that the so called show cause notice as contained in letter no.380 dated 22.3.2014 was not received by her. Further in paragraph no.27 of the writ application, the categorical case of the petitioner is that the order impugned has been passed by the respondents without giving any opportunity of hearing to the petitioner which is in violation of the principles of natural justice.

5. There is no reply to the said statements in the counter affidavit filed by the respondents.

6. In the facts and circumstances of the case, having heard learned counsel for the parties and having perused the material on record, this Court finds that the order impugned contained in letter no. 623 dated 29.5.2014 (Annexure 11) having been issued by the Deputy Collector-cum-Incharge



Officer, Mid Day Meal Scheme, Supaul is not sustainable being in violation of the principles of natural justice. Accordingly the order contained in letter dated 29.5.2014 as also the following order contained in letter no. 1145 dated 7.7.2014 (Annexure 14) are both set aside.

7. The writ application is allowed.

8. However, the respondents will be at liberty to issue fresh notice to the petitioner and to proceed in accordance with law.

9. The orders impugned having been set aside, the petitioner will be at liberty to file a representation before the District Education Officer, Supaul (respondent no.7) for payment of her salary/arrears. In case the same is filed within a period of three months, the same shall be disposed of by the respondent concerned within a period of four months from the date of its receipt.

**(Partha Sarthy, J)**

Shiv/-

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| AFR/NAFR          |             |
| CAV DATE          | N/A         |
| Uploading Date    | 29.01.2024. |
| Transmission Date | N/A         |

