

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2211 of 2017

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Kausal Kishor Sharma Son of Late Karulesh Sharma at present Purana Zero mile Chowk, Shahbajpur, P.O. - Bhikhanpur, P.S. - Ahiyapur, Dist - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Education Department, Bihar, Patna
2. The District Magistrate, Muzaffarpur.
3. The District Education Officer, Muzaffarpur.
4. The District Programme Officer Midday Meal Scheme, Muzaffarpur.
5. The Block Education Officer Bochahan, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey
For the Respondent/s : Mr.A.R. Pandey- Aag15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 9 19-06-2024 1. Heard the parties.
2. The present writ application has been filed for the following reliefs:-

“(i) To quash the memo no. 1555 / MDM Muzaffarpur dt. 28.10.2016 issued from the office of Respondent no. 4 whereby and whereunder the petitioner has been directed to submit explanation regarding misappropriation and defalcation of amount of Mid Day Meal and food grains in terms of letter no. 2558 dt. 29.10.2013 of Respondent No. 1 failing which action shall be taken in accordance with law and recovery shall be made.

(ii) To quash the memo no. 1658 MDM Muzaffarpur dt. 18.11.2016 issued from the



office of Respondent No. 4 whereby and whereunder the petitioner has been directed to deposit a bank draft of Rs. 18318/- in favour of Bihar State Mid Day Meal Scheme Samiti Muzaffarpur as in course of inspection on 16.09.2016 differences of attendance of 46 students in between physical attendance and average attendance of six days was found with respect to shown 10% excess attendance in physical attendance followed by Tab based inspection report.”

3. Learned counsel for the State as well as learned counsel appearing for the Mid Day Meal Scheme submit that in the present writ application the petitioner is the Headmaster of the Government Upgraded Middle School Mahmudpur, Bochahan, Muzaffarpur who has challenged the impugned letter issued by the District Programme Officer, Mid Day Meal Scheme, Muzaffarpur directing him to deposit / refund the excess amount received by him for providing mid-day meal.

4. Learned counsel for the Mid Day Meal Scheme submits that upon inspection by the District Programme Officer, Muzaffarpur it was found that the number of children were less than the attendance made by the Headmaster of the school.

5. Taking into consideration the nature of dispute, in my



opinion, it is appropriate for the Director, Bihar State Mid Day Meal Scheme, Govt. of 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, Muzaffpur.

6. Accordingly, I direct the Director, Bihar State Mid Day Meal Scheme, Govt. of Bihar, Patna to fix a date for appearance of the petitioner as well as the District Programme Officer, Muzaffarpur before him, for giving them personal hearing and deciding the matter by a reasoned order.

7. Till the final order is passed by the Director, Bihar State Mid Day Meal Scheme, Govt. of Bihar, Patna there shall be no recovery of the amount from the petitioner.

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

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

(Anil Kumar Sinha, J)

praful/-

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