

Birendra Kumar S/o Late Umesh Chandra Prasad Resident of Ward No. 26,
Pratap Nagar, District-Sitamarhi

Versus

1. The State Of Bihar through the Principal Secretary, Revenue Department, Government of Bihar, Patna
2. The Principal Secretary, Human Resources Department, Patna
3. The District Magistrate, Sitamarhi
4. District Education Officer, Sitamarhi
5. District Programme Officer, Sitamarhi (Mid Day Meal Planning)
6. Block Education Officer, Dumra, Sitamarhi

... .. Respondent/s

For the Petitioner/s : Mr.Vinod Kumar, Advocate
For the Respondent/s : Smt.Shilpa Singh-GA 12

3 07-05-2024 1. Heard learned Counsel for the parties concerned.

2. The present writ application has been filed challenging the order dated 14.01.2016 and the order dated 30.03.2016, passed by District Programme Officer, Sitamarhi and District Education Officer, Sitamarhi, respectively, directing the petitioner to deposit a sum of Rs. 3,97,020/- in the account of Bihar State Mid-day Meal Scheme Committee. In the course of inspection of the School, in presence of District Magistrate on 13.01.2016, apart from other irregularities, the District Programme Officer, Mid-day Scheme, Sitamarhi found that number of students present in the School was 221, whereas in



the Nutrition Register of the School, number of students shown to have been present on 13.01.2016 was 865.

Since there was difference in the number of students shown to have been present on 13.01.2016 in the Nutrition Register and actual number of students found present at the time of inspection, accordingly, the District Programme Officer, Mid-day Scheme, Sitamarhi, in the light of letter no. 2585 dated 29.10.2013, issued by the Principal Secretary, Department of Education, Bihar, Patna, directed for recovery of a sum of Rs. 3,97,020/- from the petitioner (Incharge Headmaster) for misuse of the foodgrains of the Mid-day Meal Scheme, as there was a big difference of more than 10% in the physical presence of the students and the number of students/beneficiaries shown in the Nutrition Register of the Mid-day Meal Scheme of the School.

The order passed by the District Programme Officer, Sitamarhi dated 14.01.2016 has been confirmed by the District Education Officer, Sitamarhi on 30.03.2016.

3. Taking into consideration the nature of dispute, in my opinion, it is appropriate for the Director, Bihar State Midday Meal Scheme Committee, Bihar, Patna to hear both the parties and pass a final order upon the letter of recovery, issued



by the District Programme Officer, Midday Meal Scheme, Sitamarhi and confirmed by the District Education Officer, Sitamarhi.

4. Accordingly, I direct the Director, Bihar State Midday Meal Scheme Committee, Bihar, Patna to fix a date for appearance of the petitioner and the concerned authorities before him, for giving them opportunity of personal hearing. The Director shall decide the matter, by a reasoned and a speaking order. Till the final order is passed by the Director, there shall be no recovery of the amount from the petitioner.

5. 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.

6. With the aforesaid observations and direction, this writ application is disposed.

(Anil Kumar Sinha, J)

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