

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3285 of 2017

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Braj Nandan Patway Son of Late Sahdeo Paswan, R/o VillPO-Rampur, P.S.- Murliganj District-Madhepura, at Present Petitioner is Working as Incharge Headmaster in Upgraded Middle School, Belo East, Block-Murliganj, District-Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary Education Department Bihar Patna
2. The Principal Secretary Education Department Bihar Patna.
3. The Director Primary Education, Bihar Patna.
4. The Director Mid Day Meal Project, Bihar Patna.
5. The District Magistrate, Madhepura, Dist-Madhepura
6. The Regional Deputy Director of Education, Koshi Division, Saharsa.
7. The District Education Officer, Madhepura
8. The District Programme Officer, Establishment, Madhepura
9. The District Programme Officer, M.D.M., Madhepura
10. The Sub Divisional Officer, Madhepura, District-Madhepura
11. The Block Education Officer, Murliganj, District-Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Respondent/s : Mr.Madanjit Singh- Gp20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 24-06-2024 1. Heard the parties.

2. The present writ application has been filed by the petitioner for quashing the letter bearing memo no. 1557 dated 09.11.2016 issued under the signature of District Programme Officer (Establishment), Madhepura whereby recovery order for a sum of Rs. 59,373/- has been passed.

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 Upgraded Middle School Belo East, Block Murliganj, District-Madhepura who has challenged the impugned letter issued by the District Programme Officer, Mid Day Meal, Madhepura 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, Mid Day Meal, Madhepura 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, Mid Day Meal, 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, Madhepura.

6. Accordingly, I direct the respondent no. 4 / Director, Mid Day Meal, Bihar, Patna to fix a date for appearance of the petitioner as well as the District Programme Officer, Mid Day Meal, Madhepura before him for giving them personal hearing and deciding the matter by a reasoned order. Till final order is



passed by the Director, Mid Day Meal, Bihar, Patna, there shall be no recovery of the amount from the petitioner.

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

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

(Anil Kumar Sinha, J)

praful/-

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