

Civil Writ Jurisdiction Case No.1296 of 2017

Babulal Bhakt Son of late Dhanraj Bhakt Resident of Village- Koyladewea, Tola- Semarbari, P.S. Phulwaria, District- Gopalganj, At Present Working as in Charge Headmaster, Government Middle School, Lamichaur Under Bhorey Prakhand, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education Bihar, Patna.
4. The Director, Midday Meal Scheme Bihar, Patna.
5. Regional Deputy Director of Education Saran at Chapra.
6. District Education Officer, Gopalganj, District- Gopalganj.
7. District Programme Officer Establishment Gopalganj.
8. District Programme Officer Midday Meal Scheme Gopalganj.
9. Prakhand Education Officer, Bhorey, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Suresh Prasad Bhakta, Advocate
For the Respondent/s	:	Mr.Madhaw Prasad Yadav-GP 23
For M.D.M.	:	Mr. Girijish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 27-06-2024 1. Heard learned Counsel for the parties concerned.

2. The present writ application has been filed challenging the order dated 27.09.2016, passed by the District Programme Officer (Midday Meal Scheme) Gopalganj i.e. respondent no. 8, directing the petitioner to deposit a sum of Rs. 1,63,475/- in the account of respondent no. 8. by way of Demand Draft as also the consequential letter dated 01.12.2016.



In the course of inspection of the School by respondent no. 8 on 21.09.2016, apart from other irregularities, the District Programme Officer, Mid-day Scheme, Gopalganj found that number of students present in the School was 219, however the total number of students, taken admission in the School was 862 and the cause shown for different in the attendance is due to heavy rainfall.

The order passed by the District Programme Officer (Midday Meal Scheme) Gopalganj dated 27.09.2016 has been confirmed by the District Education Officer, Gopalganj on 01.12.2016.

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, Gopalganj and confirmed by the District Education Officer, Gopalganj.

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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