

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2302 of 2017

-
1. Chandeshwar Prasad Singh S/o Singheshwar Singh Resident of Village P.O. - Kasma, P.S. - Khajauli, District - Madhubani.
 2. Ramswaroop Mahto S/o Late Bharka Mahto Resident of Village - Pathra, P.S. - Nadwa, District - Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Education Department, Bihar, Patna
2. The Director Mid-Day Meal Scheme, Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The District Education Officer, Madhubani.
5. The District Programme Officer, Mid-day meal Scheme Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha
For the Respondent/s : Smt.Shilpa Singh-Ga12

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 19-06-2024 1. Heard the parties.
2. The present writ application has been filed for the following reliefs:-

“(i) To quash the letter No. 1367 Madhubani dated 16-12-2016 whereby and where under the petitioner no. 1 has been directed to deposit a sum of Rs. 54083/- within a week realized on account of irregularity committed / found in course of inspection on 09-11-2016 in terms of letter no. 1751 dated 27-10-2016 of Respondent No. 2 and departmental action shall be taken along with realization of amount.



(ii) To quash letter No. 1369 Madhubani dated 16-12-2016 and 1367 dated 30-11-2016 whereby and where under the petitioner no. 2 has been directed to deposit a sum of Rs. 77438/- within a week realized on account of irregularity committed / found in course of inspection in terms of letter no. 17505 dated 24-10-2016 of Respondent No. 2 as well as the Secretary Education Department Bihar, Patna and departmental action shall be taken along with realization of amount.

(iii) The petitioners seek indulgence of the Hon'ble Court to grant him any other relief/s to which he is entitled in the facts and circumstances of the case.”

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 no. 1 is the In-charge Headmaster of Primary School Mokama under Khajauli Block of Madhubani District whereas the petitioner no. 2 is the In-charge Headmaster of Upgraded Middle School, Lakshmipur Panda under Khajauli Block of Madhubani District who have challenged the impugned letter issued by the District Programme Officer, Mid Day Meal Scheme, Madhubani directing them to deposit / refund the excess amount received by



them for providing mid-day meal.

4. Learned counsel for the Mid Day Meal Scheme submits that upon inspection by the District Education Officer, Madhubani / District Programme Officer, Madhubani 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, 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, Madhubani.

6. Accordingly, I direct the respondent no. 2 / Director, Mid Day Meal Scheme, Bihar, Patna to fix a date for appearance of the petitioners as well as the District Programme Officer, Madhubani / District Education Officer, Madhubani 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, Mid Day Meal Scheme, Bihar, Patna, there shall be no recovery of the amount from the petitioners.

8. The entire exercise must be completed by the Director, Mid Day Meal Scheme, 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 is disposed of.

(Anil Kumar Sinha, J)

praful/-

U			
---	--	--	--

