

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16579 of 2019

Ashok Kumar Son of Late Boudhi Prasad Mehta, Permanent Resident of Village- Andouly, Police Station- Saokhajar, District- Saharsa. At present Assistant Teacher of Upgraded Middle School Brindavan, Shiv Tahal Rai ke Tola Falling within Thawe Block, District- Gopalganj.

... .. Petitioner/s

Versus

1. The Union of India through Secretary Ministry of Human Resource Development of School, Education and Literacy MDM Division, Shastri Bhawan, New Delhi.
2. The Joint Secretary, Ministry of Human Resource Development Department of School Education and Literacy, MDM Division, Shastri Bhawan, New Delhi.
3. The State of Bihar, Through the Chief Secretary, Government of Bihar, Patna.
4. The Principal Secretary, Education Department, Bihar, Patna.
5. The director, Primary Education, Department of Human Resource Development, Bihar, Patna.
6. The Director, Bihar State Midday meal Scheme Committee, Bihar, Patna.
7. The District Magistrate, Gopalganj.
8. The District Education Officer, Gopalganj.
9. The District Programme Officer, Midday Meal Scheme, Gopalganj.

... Respondent/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate
For the Respondent/s : Mr.Madhaw Pd. Yadaw (GP 23)
For respondent/ M.D.M. : Mr. Girijish Kumar. Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 04-01-2024 1. Heard learned Counsel for the parties concerned.

 2. Learned Counsel for the State as well as learned

Counsel appearing for the Mid Day Meal Scheme submit that

the petitioner is the Assistant Teacher of the Upgraded Middle

School, Brindavan Shiv Tahal Rai Ke Tola, Block-Thawe,

District-Gopalganj and has challenged the letter no. 666 dated



28.06.2017, issued by the District Programme Officer, Midday Meal Scheme, Gopalganj, directing him to deposit/refund the excess amount received by him for providing mid-day meal.

3. Learned Counsel for the Mid Day Meal submits that upon inspection by the District Programme Officer, Midday Meal Scheme, Gopalganj, it was found that the number of children were less than the attendance made by the petitioner.

4. 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.

5. Accordingly, I direct the Director, Bihar State Midday Meal Scheme Committee, Bihar, Patna to fix a date for appearance of the petitioner and the respondent nos. 8 and 9 before him, for giving them opportunity for personal hearing and deciding the matter, by passing a reasoned and a speaking order.

6. 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.



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

(Anil Kumar Sinha, J)

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