

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1385 of 2017**

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Jairam Sharma Son of Late Bajrangi Sharma, At P.O. Kasma, Police Station  
Parsbiga, District-Jehanabad, Now retired Head Master, Middle School,  
Aman, District-Jehanabad

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, Bihar, Patna
2. The Principal Secretary, Department of Education, Bihar, Patna
3. The Director, Primary Education, Bihar, Pant
4. The Director, Midday Meal Scheme, Bihar Patna
5. The Appellate Authority-Cum-District Education Officer, Jehanabad
6. The District Programme Officer, Establishment, Jehanabad,
7. The District Programme Officer, Mid Day Meal Scheme, Jehanabad
8. THe Block Education Officer, Ghosi, District-Jehanabad
9. The Head Master-cum-Drawing and Disbursement Officer, Middle School Unta, District Jehanabad

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Binod Kumar, Advocate  
For the Respondent/state : None

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 8      20-06-2024      1. Heard the parties.
2. The present writ application has been filed for the following reliefs:-

“(i) For quashing the order dated 22.10.2016 contained in Memo No. 1693 which was passed and issued by the respondent appellate authority i.e. the District Education Officer, Jehanabad.

(ii) For quashing order dated 12.03.2016 contained in Memo No. 284 issued by the respondent District Programme Officer (MDM)



Mid Day Meal Scheme, Jehanabad.

(iii) For issuance of direction to the concerned respondent authority for immediate stay of recovery order for salary of petitioner and also stay of entry of the same in his service book.

(iv) Petitioner prays for any other relief / reliefs for which he is found entitled in facts and circumstances of the present case.

3. Learned counsel appearing for the Mid Day Meal Scheme submits that in the present writ application the petitioner is the Headmaster of Middle School, Aman, District-Jehanabad who has challenged the impugned letter issued by the District Programme Officer, Mid Day Meal Scheme, Jehanabad directing him to deposit / refund the excess amount received by him for providing mid-day meal.

4. Learned counsel further submits that upon inspection by the District Education Officer, Jehanabad / District Programme Officer, Jehanabad 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 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, Jehanabad.

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, Jehanabad / District Education Officer, Jehanabad 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 petitioner.

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/-

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