

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1380 of 2017

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Nawal Kishore Sharma resident of at-Hirdaychak, P.O.-Hirdaychak, Police Station-Kaler, District-Arwal Posted as In-Charge Head Master at Upgraded Middle Middle School, Gorsar, Jehanabad

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar
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 order contained in letter dated 22.10.2016 vide Memo No. 1693 issued by the respondent appellate authority-cum-District Education Officer, Jehanabad.

(ii) For quashing order issued by the respondent District Programme Officer, Mid Day Meal Scheme, Jehanabad which is contained in letter dated 16.04.2016 vide letter no. 402.

(iii) For issuance of direction to the concerned



respondent authority specially respondent no. 4 and 6 to immediate stay of recovery order from his salary and entry of same in service book.

(iv) The 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 In-charge Headmaster of the Upgraded Middle School, Gorsar Block, Ghosi in the 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 for the Mid Day Meal Scheme submits that upon inspection by the District Programme Officer, Mid Day Meal, Jehanabad it was found that the number of children were less than the attendance made by In-charge 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. 2 / Director, Mid Day Meal Scheme, Bihar, Patna to fix a date for appearance of the petitioner as well as the District Programme Officer, Jehanabad before him for giving them personal hearing and deciding the matter by a reasoned order.

7. Till 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 stands disposed of.

(Anil Kumar Sinha, J)

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