

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18493 of 2022

Mithilesh Kumar Azad S/o Krishna Prasad, R/o-Ward No. 27, Near Guru Kripa Utsav Kendra Mohalla-Anand Nagar Biharsharif, Nalanda and at previously working as a Pradhaadhyapak in Middle School, Lahuar Prakhand-Rajgir, District-Nalanda now he has on retired.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary Education Department, Govt. of Bihar, Patna.
3. The Director Primary Education Govt. of Bihar, Patna.
4. The Director Mid-day-meal Scheme, Bihar, Patna.
5. The Regional Deputy Director of Education Patna Pramandal, Patna.
6. The District Education Officer, Nalanda.
7. The District Programme Officer, Mid-Day Meal Scheme, Nalanda.
8. The Block Development Officer, Rajgir Prakhand, District-Nalanda.
9. The Block Resource Persons, Mid Day-Meal Scheme Noorsarai, Prakhand, District-Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Rama Kant Singh, Advocate
For the State	:	Mr. Subhash Chandra Mishra, SC-16
For the Mid Day Meal	:	Mr. Girijish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-11-2024 Heard learned counsels for the parties.

2. This writ application has been filed for quashing the Letter No. 328 dated 02.03.2017 passed by the District Programme Officer, Mid Day Meal Scheme, Nalanda (Respondent No. 7) whereby and whereunder an order of recovery of Rs. 95,279/- has been issued against this petitioner.

3. At the outset, learned counsel appearing on behalf



of the State raises preliminary objection to the maintainability of this writ application and submits that petitioner has already filed appeal before the District Education Officer, Nalanda (Respondent No. 6) on 25.03.2017, which is still pending for adjudication.

4. Learned counsel appearing on behalf of the petitioner does not dispute the above contentions.

5. In this regard, the Supreme Court, in the case of ***Satya Pal Anand versus State of Madhya Pradesh and Others*** reported in ***2016 (10) SCC 767***, has observed as follows:-

“Pursuance of multiple remedy for same relief before different fora renders the petition non-maintainable.”

6. In the present case, the petitioner has already filed an appeal before the District Education Officer, Nalanda (Respondent No. 6) and the same is still pending for adjudication.

7. In that view of the aforesaid facts and circumstances of the case, this Court does not think it appropriate to interfere in the matter.

8. Accordingly, this writ application is disposed of with direction to the petitioner to pursue the appeal which has



already been filed before the District Education Officer, Nalanda
(Respondent No. 6).

(Prabhat Kumar Singh, J)

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