

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2899 of 2020

Sanjay Kumar Sharma, son of Shri Chhotelal Sharma, resident of Mohalla-Gandhi Nagar, Mal Godam Road, Ward No. 2, P.S.- Khagaria, District-Khagaria, at present posted as Head Master, Middle School, Sarsawa, Chautham, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director (Primary Education), Government of Bihar, Patna.
4. The Director, State Education Project Council, Bihar, Patna.
5. The Director, Mid-day Meal Scheme, Bihar, Patna.
6. The District Magistrate, Khagaria.
7. The District Education Officer, Khagaria, District- Khagaria.
8. The District Programme Officer (Establishment), Education Department, Khagaria.
9. The District Programme Officer, Mid-day Meal Scheme, Khagaria, District-Khagaria.
10. The Additional Incharge Officer, Mid-day Meal Scheme, Khagaria, District-Khagaria.
11. The District Public Complaint Redressal Officer, Khagaria.
12. The Block Education Officer, Chautham, District- Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shiv Sager Sharma, Advocate
For the State	:	Mr. Madanjeet Kumar (GP-20)
		Mr. Samir Kumar, AC to GP-20
For the Respondent	:	Mr. Girish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 05-12-2024 The petitioner has invoked the extra-ordinary constitutional writ jurisdiction of this Court for the following reliefs:-

“(a) An appropriate writ(s), order(s), or



direction in the nature of certiorari for quashing the office order as contained in Memo No.5924 dated 18.11.2019 (Annexure-6) issued under the signature of Sri Raj Kishor Singh, the District Education Officer, Khagaria, by which the petitioner was directed to deposit the misappropriated amount of Mid-day-Meal Scheme amounting to Rs.1,57,306/- within a week in the office of District Programme Officer, Mid-day-Meal Scheme, Khagaria, and further the annual increment in pay scale of the petitioner was stopped with cumulative effect, be issued.

(b) An appropriate writ, order or direction in the nature of writ of certiorari for quashing of letter No.6044 dated 05.12.2019 (Annexure-7) issued under the signature of District Education Officer, Khagaria directing to the petitioner to deposit Rs.1,57,306/- of Mid-Day-Meal Scheme in the office of District Programme Officer, Mid-day-Meal Scheme, Khagaria till 15.12.2019 otherwise, further action will be taken against you, be issued.

(c) An appropriate writ(s), order(s) or direction in the nature of Mandamus, directing the respondent authorities to refrain them for taking any coercive steps against the petitioner, during pendency of this writ application, be issued.

(d) to any other relief/reliefs to which the petitioner is entitled to in the facts and circumstances of the case, be issued.”

2. It is the case of the petitioner that he took over



charge as Headmaster of Middle School, Sarsawan, Chautham, Khagaria w.e.f. 14.07.2014 from his predecessor in office, namely Parmanand Singh. At the time of delivery of charge Parmanand Singh did not deliver full charge of the office of the Headmaster of the said School, especially in respect of the assets and liabilities. Subsequently, the District Education Officer directed the petitioner to deposit a sum of Rs.1,57,306/- in the account of the District Programme Officer, Mid-day-Meal Scheme, Khagaria, on the allegation that Mid-day-Meal amounting to the said price was misappropriated.

3. The petitioner submitted series of representation from 2014 to 2019 but those representation was not considered by the District Programme Officer. It is the specific case of the petitioner that the petitioner did not misappropriated any article of Mid-day-Meal supplied for the students of the said school.

4. Taking into consideration, the nature of the dispute and the fact that several similarly situated writ petitions have been disposed of directing the Director, Mid-day-Meal Scheme Bihar, Patna to hear both parties and passed final order upon the letter of recovery issued by the District Programme Officer, Mid-day-Meal. Accordingly, this case is disposed of directing the Director, Mid-day-Meal, Scheme, Bihar Patna to disposed of



the issue involved in the instant writ petition after giving opportunity to the petitioner as well as the erstwhile Headmaster, namely, Parmanand Singh and to fixed responsibility upon the person, who is liable to make good of the misappropriated Mid-day-Meal articles on payment of money.

5. It is also directed that the entire exercise must be completed by the Director, Mid-day-Meal, Scheme, Bihar Patna within a period of four months from the date of receipt/ production of copy of this order.

6. The instant writ petition is thus, disposed of.

(Bibek Chaudhuri, J)

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