

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2167 of 2025

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Dharmesh Kumar, Son of Late Gonar Roy, Resident of Village- Kharahiya,
P.O.- Mangalgarh, P.S.- Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
3. The Director, Human Resources Department, Govt. of Bihar, Patna.
4. The Director, Mid-Day Meal Scheme, Govt. of Bihar, Patna.
5. The District Magistrate, Samastipur.
6. The District Education Officer-Cum-Appellate Tribunal, Mid-Day Meal Scheme, Samastipur.
7. The District Programme Officer, Mid-Day Meal Scheme, Samastipur.
8. The District Programme Manager, Mid-Day Meal Scheme, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar, Advocate
For the Respondent/s	:	Mr. Standing Counsel (03)
		Mr. Girijesh Kumar, Advocate
		Mr. Akash Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 18-11-2025

Heard Mr. Ajit Kumar, learned Advocate for the petitioner and learned Advocate for the State as well as learned Advocate for the Mid Day Meal.

2. The petitioner is aggrieved with the order as contained in Memo No. 3483 dated 21.11.2024, passed by the Director, Mid Day Meal Scheme, Bihar, Patna in compliance with the order dated 25.06.2024 by a Bench of this Court in C.W.J.C. No. 8729 of 2017.



3. The facts briefly stated in the writ petition clearly demonstrate that on account of certain irregularity found in the distribution of the Mid Day Meal Scheme, during the service period of the petitioner while working as Headmaster in Madhya Vidyalaya, Devdha, an enquiry was conducted. Upon enquiry, vide order dated 17.05.2016, the District Programme Officer, Samastipur issued show-cause notice asking the petitioner to give reply on the allegation made therein in context with the irregularity found in Mid Day Meal in both the schools. In response, a detailed explanation has been filed along with supporting materials. On being dissatisfied with the reply, the District Programme Officer, Samastipur vide order dated 29.07.2016 imposed penalty against the petitioner directing him to ensure payment of Rs.2,06,014/- for irregularity found in in Deodha School.

4. The petitioner aggrieved with the aforesaid order preferred Appeal, bearing Case No. 44 of 2017, however, the same did not find favour and the order dated 07.04.2017 came to be passed.

5. Both the orders were put to challenge by filing C.W.J.C. No. 8729 of 2017. This Court having considered the submissions advanced by the learned Advocate for the



respective parties and taking note of the materials directed the Director, Mid Day Meal to hear both the parties and pass a final order upon the order of recovery passed by the District Programme Officer, Samastipur. In pursuant to the order of this Court, the petitioner submitted his detailed representation, which was duly received in the office of the Director, Mid Day Meal on 24.10.2024.

6. Taking this Court through the representation, as contained in Annexure-P/6, learned Advocate for the petitioner contended that besides the exhaustive explanation bringing on record the relevant facts and the discrepancies in the enquiry reports, various papers in support of the claim of the petitioner have been brought, however, the Director, Mid Day Meal ignoring all the stand of the petitioner has passed an order, which sans any reasoning, besides the same being cryptic and without any deliberation to the stand taken by the petitioner.

7. It is submitted that the reasons are the heart and soul of the order, which is specifically lacking in the impugned order and, as such, the same is wholly bad in the eyes of law. To support the aforesaid contention, reliance has been placed on a decision rendered by Hon'ble Supreme Court in the case of ***Kranti Associates (P) Ltd. Vs. Masood Ahmed Khan***, reported



in, (2010) 9 SCC 496.

8. Learned Advocate of the State, on the other hand, submitted that in compliance with the order of this Court, the petitioner as well as District Programme Officer, Samastipur have been given proper opportunity and after taking note of their submission, the impugned order came to be passed. He further submits that the petitioner failed to challenge the order passed by the District Programme Officer, Samastipur as well as the order of the Appellate Authority passed by the District Education Officer, Samastipur, hence the writ petition is not maintainable, besides it sans any merit.

9. Having considered the submissions advanced by the learned Advocate for the respective parties and on perusal of the impugned order passed by the Director, Mid Day Meal, this Court, *prima facie*, is of the opinion that there is no reason whatsoever assigned to reach the conclusion as to why the explanation of the petitioner is not acceptable and orders passed by the District Programme Officer, Samastipur as well as the Appellate Authority are justified in the eyes of law as well as on facts. The Director Mid Day Meal, only taking into account that the earlier impugned orders came to be passed in the light of Memo No.2558 dated 29.10.2013, hence, seemingly affirmed



the order of recovery.

10. Time without number, the Hon'ble Supreme Court has held in catena of decisions that absence of reason is not mere irregularity but patent illegality. A decision does not merely mean the conclusion, it embraces within its fold the reason which forms the basis for arriving of such conclusion. In case of **Kranti Associates** (supra) the Apex Court placing reliance upon numbers of celebrated decisions has summarized the principles on the recording of reasons. The Court cautioned that quasi judicial authority must record reasons in support of its conclusion. Reasons not only operates as valid restraint on any possible arbitrary exercise of power but also reassures that discretion has exercised by the decision maker on relevant ground and disregarding extraneous consideration.

11. In view of the settled position and the order being found cryptic and unreasoned, this Court has left with no option but to set aside the same and relegate the matter to the Director, Mid Day meal to consider the matter afresh by taking note of the explanation of the petitioner, as contained in Annexure-P/5, and pass a fresh order after giving proper opportunity to all the stake holders.

12. It is made clear that in the meantime, there shall



be no recovery.

13. The writ petition stands allowed to the extent indicated hereinabove.

14. Pending application(s), if any, also stands disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.11.2025
Transmission Date	NA

