

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11873 of 2018

=====

Asha Jaiswal w/o sri Binod Jaiswal, R/o vill. and PO- Gangania, PS-
Sultanganj and Dist.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Disaster Management
Department of Bihar
2. Joint Secretary Disaster Management Department Bhar Patna.
3. District Magistrate Bhagalpur.
4. Sub-Divisional Magistrate Bhagalpur.
5. Senior Deputy Collector Bhagalpur.
6. Block Development Officer Sultanganj District Bhagalpur.
7. Circle Officer Sultanganj District Bhagalpur.
8. Headmaster cum In-charge Chairman Bidyalaya Siksha Samiti Middle
School Kamarganj PS-Sultanganj District-Bhagalpur

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Diwakar Prasad Singh
For the Respondent/s	:	Mr.Raj Kishore Ray – GP-18
	:	Mr.Viveka Nand Singh, AC to GP-18

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 03-07-2025

1. The writ petition is filed for the following
reliefs:-

(i) For issuance of appropriate
writ order or direction of writ in the
nature of mandamus commanding the
respondent to pay the petitioner her
entire dues of Community Kitchen from
the Non Plan Budget Head-2245-02-



101-0002 for the meal & Food Packet supplied/prepared by the petitioner under the immediate oral direction by Block Development Officer whereas the Community Kitchen near the Ward No.6 near UCO Bank at Gangania under PS Sultanganj District Bhagalpur ran from 24.08.2016 under the Supervision of (1) Sri Anand Gopal, Block Statistical Supervisor, Sultanganj (2) Sri Subodh Kumar, Headmaster, Middle School Kamarganj, (3) Sri Dheeraj Kumar, Teacher Middle School, Jahangira, (4) Sri Sunil Ranjan, Teacher Middle School, Gangania (5) Smt. Reeta Kumari, Teacher Upgraded Middle School Saraswati Asthan, Gangania. (6) Md. Samir, Teacher Urdu Middle School Ghorghat Gangania deputed by Memo No.1419 Dated 01.09.2016 issued under the Joint Signature of Circle Officer & Block Development Officer Sultanganj under District Bhagalpur.

(ii) For issuance of appropriate writ order or direction of writ in the nature of mandamus commanding the respondent to direct the respondent to make payments of Rs. 3,47,728/ (Three Lakh Forty Seven Thousands Seven



Hundred Twenty Eight) along with admissible & appropriate interest too since the petitioner was paid just Rs.1,47,000/ (One Lakh Forty Seven Thousands only) among dues & expanded Rs.494728/- (Four Lakh Ninety Four Thousand Seven Hundred Twenty Eight).

(iii) The responsible be punished for not making payment of dues despite the fact that the petitioner executed the assignment in dire emergent circumstances at the time of natural Disaster/calamity when entire area was submerged under water.

(iv) For grant of any after relief or reliefs.

2. The brief facts culled from the writ petition are that the Joint Secretary, Disaster Management Department, vide letter dated 25.08.2016, directed all the District Magistrates to start community kitchen in villages, with the help of local people. It was directed that the District Administration shall arrange necessary commodities and payments shall be made under the food head, while payments to the labourers



shall be made under the Labour Resources Head. The said letter was communicated vide Memo No. 608 dated 26.08.2016 to the Sub-Divisional Magistrate, Senior Deputy Collector & Circle Officer, and Block Development Officer. The Joint Secretary, Disaster Management Department vide letter No. 3232 dated 28.08.2016, directed that one registration counter for flood-affected people may be opened. Further, one loudspeaker must be ensured at the relief camp. The services of volunteers should be hired on a daily basis at Rs. 200 per day. The persons residing in the relief camp should neither remain in the open nor they be fed in open places. The Joint Secretary, Disaster Management Department vide Letter No. 3291 dated 31.08.2016 communicated to all District Magistrates that payments shall be made from the Non-Plan Budget Head - 2245-02-101-0002 for the meals and food packets supplied/prepared. The Circle Officer and Block Development Officer, Sultanganj, District Bhagalpur vide Memo No. 1419 dated 01.09.2016 stated that the community



kitchen ordered by letter No. 1411 dated 30.08.2016 could not be started due to some unavoidable circumstances. However, in view of the communication, one community kitchen was started in Ward No. 6, near UCO Bank ,at Gangania under PS Sultanganj, District Bhagalpur, where the following officers were deputed:

1. Sri Anand Gopal, Block Statistical Supervisor, Sultanganj
2. Sri Subodh Kumar, Headmaster, Middle School Kamarganj
3. Sri Dheeraj Kumar, Teacher, Middle School Jahangira
4. Sri Sunil Ranjan, Teacher, Middle School Gangania
5. Smt. Reeta Kumari, Teacher, Upgraded Middle School Saraswati Asthan, Gangania
6. Md. Samir, Teacher, Urdu Middle School Ghorghat, Gangania

The CDPO was directed to function as in-charge and to maintain the register. The distribution of meals and the entire dining process at the community kitchen were videographed and was preserved in a CD. All the commodities, such as



chairs, tables, gas, stove, etc., were hired. It was submitted that almost 4,000 persons were served with food per day. The petitioner presented an application on 05.09.2016 requesting the Block Development Officer to make payment for the expenses incurred by him. There was official deployment of police forces, under the authority of the Superintendent of Police to maintain law and order. Additionally, an inspection register was maintained to record directions and orders.

3. The petitioner purchased grocery commodities from Bijay Kirana Store, hired a makeshift house/cottage (pandal) from Maa Tent House, Ghorghat, District Munger, and also purchased commercial gas from Kumar Bhai Gas Service, Jamalpur, District Munger. The videography of the event was done by Prakash Digital Studio, Ghorghat. All related bills were submitted before the concerned officers; however, the petitioner has not received any payment till date. Despite presenting all the bills, no amount has been paid to



the petitioner, due to which he was constrained to file the present writ petition.

4. A detailed counter-affidavit was filed by the respondent, denying the allegations made in the writ petition. The counter affidavit disclose that a sum of Rs. 1,46,828/- was paid to the petitioner against the bills presented by her, which was also admitted by the petitioner. After receiving the said payment, the petitioner further claimed an additional amount of Rs. 3,47,728/- along with supporting bills. Upon inquiry, it was found that no such bills were submitted in the office. Accordingly, the petitioner was asked to provide copies of the alleged bills, vide letter No. 2312 dated 19.09.2022. In compliance with the said direction, the petitioner submitted Xerox copies of the bills, but failed to produce any proof of prior submission of the same. This raised doubts about the genuineness of the bills in question. Therefore, no payment was made to her on the basis of the Xerox copies of the submitted bills.



5. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

6. It is the specific contention of the Learned counsel for the petitioner that she submitted her bills amounting to Rs. 3,47,728/- along with Letter No. 2312 dated 19.09.2022. As the said details were not found in the respondents' office she was further directed to make available copies of the bills. It is the contention of the petitioner that the original bills were submitted to the office, and therefore, she was unable to produce the original bills again. Moreover, Letter No. 2312 is duly endorsed by the department on 19.09.2022. Hence, the department cannot deny payment to the petitioner on the ground that the original bills were not submitted. Accordingly, the respondents are directed to make the necessary payment within three months, considering the Xerox copies of the bills, as the petitioner had supplied food to flood-affected people through the community kitchen.



7. With the abovesaid observation, the writ
petition shall stand disposed of.

(G. Anupama Chakravarthy, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.07.2025
Transmission Date	

