

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13076 of 2017

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Brijnandan Yadav Son of Sri Gopi Yadav, Resident of Village- Shamsher Khap, P.O.-Sawan Kala, P.S.-Amas, Dist- Gaya, Presently Posted as Incharge Headmaster in Primary School, Tetariya-2, Amas gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Magadh Division, Gaya.
5. The District Education Officer, Gaya.
6. The District Programme Officer, Establishment, Gaya.
7. The District Programme Officer, Mid-Day-Meal Scheme, Gaya.
8. The Block Education Officer, Amas Prakhand, Gaya.
9. The Block Resource Persons, Mid-Day-Meal Amas Prakhand, District-Gaya.
10. The Director, Mid-Day-Meal Scheme, Department of Human Resource Development, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rama Kant Singh
For the State	:	Mr. Hitesh Suman, AC to SC 13
For the M.D.M.	:	Mr. Girijesh Kumar, Advocate
		Mr. Akash Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 04-12-2025 Heard learned counsel for the petitioner, learned counsel appearing for the Mid-Day-Meal and learned AC to SC 13 for the State.

2. The petitioners in the present writ application has prayed for grant of following relief(s):-

“That this is an application for issuance of appropriate writ(s), direction(s) for quashing of the letter No. 461 dated 31.05.2017 passed and issued by the Respondent No. 7 Mid-



Day-Meal Scheme, whereby and where under against the petitioner charge of defalcation amounting Rs. 26629.00/- has been levelled arising out of Mid-Day-Meal Scheme in his school and accordingly he has been directed to deposit the said alleged amount of defalcation in the Bank Account of Bihar State Mid-Day-Meal Scheme, Gaya within one week otherwise he has been threatened to face departmental proceeding for it.

Further the respondent be directed not to recovered the aforesaid amount from the petitioner because the said charge of defalcation against the petitioners is completely against and contradictory of physical inspection/verification report.

And/or

For any the appropriate relief(s) to the petitioner for which they may be found entitle to in the eye of law.”

3. The parties are at one submitting that the issue raised in the present writ application is no longer res-integra and the same has already been decided by a coordinate Bench of this Court vide order dated 25.06.2024 passed in CWJC No. 9254 of



2017.

4. Learned counsel for the petitioner, therefore, prays that the present writ application may also be disposed of in terms of the said order dated 25.6.2024 passed in CWJC No. 9254/2017.

5. Accordingly, this writ application is disposed of in terms of order dated 25.06.2024 passed in CWJC No. 9254/2017. The Director, Mid-Day-Meal Scheme, is directed to fix the date for appearance of the petitioner and the respondent no. 7 before him, for giving them personal hearing and for deciding the matter by a reasoned order. The Director, Mid-Day-Meal Scheme, can hear the matter through virtual mode or hybrid mode subject to approval of the parties concerned.

6. The entire exercise must be completed by the Director within a period of six months from the date of receipt/production of a copy of this order.

7. With the aforesaid observation and direction, the writ application is disposed of.

(Alok Kumar Sinha, J)

Ranjeet/-

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