

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16769 of 2017

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Suresh Kumar Singh Son of Late Kailash Singh, Resident of village- Nagari, P.S.- Charpokhari, District- Bhojpur, the then Block Education Officer, Itarhi-cum- Rajpur, Buxar, Presently posted as District- Programme Officer, Saran at Chhapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Administration-cum-Additional Secretary, Education Department, Bihar, Patna.
4. The District Magistrate, Buxar.
5. The District Education Officer, Buxar.
6. The District Programme Office, Mid-day Meal Scheme, Buxar.
7. The In-charge Certificate Officer, Buxar.
8. The Senior Deputy Collector-cum-In- charge, District Mid-day Meal Scheme, Buxar.
9. The Sub-Divisional Education Officer-cum-In-Charge of Mid-day Meal Scheme, Buxar.
10. The Block Education Officer, Itarhi, Buxar.
11. The Block Education Officer, Rajpur, Buxar.
12. The Headmaster, Middle School Rajpur, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rana Ishwar Chandra, Advocate
For the Respondent/s	:	M/s Jitendra Kr. Roy No-1-SC 13
		U.K.Singh, AC to SC 13

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 12-09-2025

1. The petitioner has filed the instant application for the following relief:

*“(I)For quashing of Letter
13.10.2017 issued by No.927 dated the*



District Education Officer, Buxar (Respondent no.-5) under signature of the respondent no.-6, in the light of Letter No.629 dated 23.08.2017 issued by the Director (Administration)-cum-Additional Secretary, Education Department, Bihar, Patna (Respondent no.-3) and in the light of direction of respondent no.-5 issued under Letter no.453 dated 13.09.2017 and 483 dated 19.09.2017 whereby and where under petitioner has been directed to deposit the cost of 398.71.075 Quintal rice with interest amounting Rs. 12,72,432/- (Twelve lacs, seventy two thousand four hundred thirty two) or to face criminal proceeding as well as process of recovery under Public Demand Recovery Act.

(II) For grant such other relief(s) for which the petitioner may be found entitled in the facts and circumstances



of the case.”

2. The brief facts as culled out of the writ petition is that the petitioner, while serving as the Block Education Officer, Itarhi, was given additional charge of Block Education Officer, Rajpur in the year 2007. On 28.02.2008, he was handed over the charge of the Mid-day Meal Scheme, including the custody of 379.33 quintals of rice. The said rice had been kept in the CRC building of Middle School, Rajpur. It is alleged that in October 2008, the then Area Education Officer, Mr. Vinayak Pandey, locked the CRC building, and despite several requests, the lock was not removed until November 2009. Meanwhile, the rice stored in the CRC building deteriorated and became unfit for consumption.

3. It is contended that the Headmaster of the school submitted a complaint on 26.05.2010 requesting that the CRC building to be vacated. Subsequently, a preliminary inquiry was initiated by the Deputy Collector, Land Reforms, Buxar, who



submitted his report on 31.01.2011, holding the petitioner, Mr. Ravindra Ram (the then BEO, Rajpur), and Mr. Vinayak Pandey responsible for the rotting of the rice.

4. It is further contended that despite the petitioner's detailed explanations submitted from time to time (vide letters dated 09.08.2016, 16.01.2017, and 28.01.2017), and despite earlier departmental communications apportioning a shared liability among four officers (with each being directed deposit Rs. 1,54,986/-), the impugned Letter No. 927 dated 13.10.2017 directed the petitioner alone to deposit a significantly higher amount of Rs. 12,72,432/-.

5. The Learned counsel for the petitioner submitted that the petitioner was neither responsible for the locking of the CRC building nor had control over its access, after the lock was placed by the Area Education Officer. It is further submitted that he repeatedly brought the situation to the notice of higher authorities and acted under oral instructions of the District



Superintendent of Education.

6. It is contended that initially, liability was apportioned among four officers, each of them were directed to deposit Rs. 1,54,986/-, but subsequently, without any new fact or legal basis, a disproportionately higher amount was directed to be recovered solely from the petitioner. It is further contended that the payment made by the petitioner was under duress, owing to pressure from the office of the Lokayukta and his impending retirement. It is thus, urged that the entire proceeding suffers from procedural irregularities, arbitrariness, and malafide intent, and, therefore, the impugned demand is liable to be quashed.

7. Per contra, the Learned counsel for the respondents submitted that as per the official record, 398.71 quintals of rice were stored in the CRC building, but only 50 quintals were found when the building was reopened.

8. It is further submitted that that statements of witnesses including the Headmaster and other staff, suggests that on an unknown



Sunday in 2009, 103 packets of rice were removed and that the key of the locked room was in the petitioner's possession. The Director (Administration)-cum-Additional Secretary, Education Department, Bihar, relying on these reports, directed the recovery of the value of the missing rice along with interest.

9. The counter affidavit reveals that the petitioner deposited the amount in compliance with the direction, which implies admission of guilt, and therefore he cannot now be permitted to challenge the same.

10. It is contended that the action taken was in accordance with law and after due inquiry, and hence the Writ petition is devoid of merits.

11. A rejoinder to the counter affidavit was filed, in which the petitioner reiterates that the respondents have failed to reply to the core issues raised in the writ petition and have taken contradictory stands. The petitioner's earlier explanation and the subsequent departmental



orders reflect shared liability, and singling him out is unjust. Further the petitioner reiterates that the payment was not voluntary but made under coercion at the Lokayukta's office, and therefore, it does not amount to an admission of guilt. It is further contended that no criminal proceeding or departmental proceeding has been proved or concluded against the petitioner, and hence the impugned recovery is unsustainable.

12. Upon hearing the Learned counsel for the parties and perusing the materials on record, this Court finds that the petitioner got the charge of the Mid-Day Meal Scheme and 379.33 quintals of rice on 28.02.2008. Furthermore, the petitioner admits that the CRC building where the rice was stored remained locked from October 2008 until November 2009. The District Magistrate, Buxar, vide Letter No. 100368 dated 16.02.2011, based on the statements of the Headmaster and a teacher, observed that on a Sunday in the year 2009, 103 packets of rice were removed, and the key to the building was in the possession of the



petitioner. As per the stock register dated 21.10.2008, 398.71.075 quintals of rice was stored in the CRC building, but when the lock was opened, only 50 quintals of spoiled rice was found.

13. Based on these findings, the Director (Administration)-cum-Additional Secretary ordered recovery from the responsible officers. The petitioner and another officer have deposited Rs. 14,54,880/- in compliance with the order.

14. It is the specific contention of the petitioner that he deposited the amount under duress. But it is not supported by contemporaneous material. The petitioner has not challenged the acts of the respondents at the relevant point of time. The explanations given by the petitioner, though placed on record, were not accepted by the competent authorities, and the same do not rebut the factual findings recorded in the inquiry. Furthermore, the petitioner has failed to establish that the recovery was initiated without authority of law, or that there was any procedural impropriety or breach of principles of natural



justice. The core issue — that rice went missing and deteriorated while under the petitioner’s charge stands established by the inquiry and supported by official documents.

15. In view of the above discussions and considering that the factual inquiry establishes the petitioner’s involvement and responsibility. Further, the petitioner has deposited the amount, without challenging the order at the relevant time and this Court is of the considered opinion that the present writ petition lacks merit and does not warrant any interference.

16. In view of the above discussion, the writ petition is dismissed as devoid of merits.

17. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.09.2025
Transmission Date	

