

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15711 of 2017

Hari Shankar Jha Son of Late Ghuran Jha Village - ShubHepatti, P.O. Anandpur, District - Darbhanga - 847101, presently residing at H.N. - 1345, B.K. Road, Near Vidyapati High School, Laheriasarai, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
4. The Director, Primary Education, Department of Education, Government of Bihar, Patna.
5. The District Education Officer, Darbhanga.
6. The District Programme Officer Establishment, Darbhanga.
7. The District Programme Officer, Sarv Shiksha Abhiyan, Darbhanga-cum-Enquiry Officer.
8. The District Programme Officer, Mid-Day Meal, Darbhanga.
9. The District Magistrate, Darbhanga.
10. The Director, Mid-Day Meal Programme, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Kaushik, Advocate
For the Respondent/s	:	Smt. Shilpa Singh, Ga-12
	:	Mr. Abhanjalli, AC to GA-12
For MDM	:	Mr. Girijish Kumar, Advocate
	:	Mr. Akash Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 27-11-2025 Heard learned counsel for the petitioner, learned counsel for the Mid Day Meal Scheme and learned counsel for the Respondent-State.

2. In the present writ application, the petitioner is confining his challenge for setting aside the order contained in



Letter No. 1240 dated 12.11.2016 (Annexure-P/3) whereby and whereunder, as per the petitioner, the Respondent has directed the petitioner to deposit Rs.79,073.28/- by way of a bank draft in the name of Bihar State Mid-Day Meal Programme Samiti, Darbhanga within three days without affording any opportunity to the petitioner.

3. Learned counsel appearing for Respondent-State and Mid-Day Meal submit that by the impugned Letter No. 1240 dated 12.11.2016, the petitioner was asked to submit show-cause and, therefore, it is not correct on part of the petitioner to contend that no opportunity of hearing was given.

4. On a careful consideration of Letter No. 1240 dated 12.11.2016, it is evident that by this Letter, the petitioner has been saddled with the liability of Rs.79,073.28/- and a direction has also been given to the petitioner for depositing this amount.

5. Once the liability has been determined and the petitioner had been directed to deposit the amount, opportunity by way of show-cause carried no meaning. Therefore, the contention on part of the learned counsel for the Respondents that opportunity of hearing was granted to the petitioner does not appear to be correct.

6. The order contained in Letter No. 1240 dated



12.11.2016 is, therefore, set aside on the sole ground of violation of principle of nature justice and the matter is remanded back to the District Programme Officer Mid-Day Meal Scheme, Darbhanga for carrying out fresh proceeding and in the said proceeding, the petitioner shall be granted opportunity of hearing before any final order is passed.

7. The entire proceeding to be conducted by the District Programme Officer Mid-Day Meal Scheme, Darbhanga should be completed within a period of six months from the date of production of a copy of this order by the petitioner.

8. With the aforesaid observation and directions, the present writ application is allowed in the aforesaid terms.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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