



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3256 of 2019

Vinod Kumar @ Binod Kumar Son of Late Jagnath Prasad Resident of Village- Bhamopali, Post Office- Rachhopali, P.S.-Barharia, District- Siwan, At Present Posted and Working as Incharge Headmaster in Govt. Middle School Paharpur, Block-Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Additional Chief Secretary, Education Department, Government of Bihar, Patna
4. The Director, Primary Education, Bihar, Patna
5. The Director, State Education Project Council, Bihar, Patna
6. The Director, Mid-Day Meal Scheme, Bihar, Patna
7. The District Magistrate, Siwan.
8. The District Education officer, Siwan.
9. The District Programme Officer (Establishment), Siwan.
10. The District Programme Officer, Midday Meal Scheme Siwan.
11. The Block Education Officer, Daraunda, Siwan.
12. The Treasury Officer, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. Kameshwar Kumar (Gp17)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

11 02-12-2025 Heard learned counsel for the petitioner and learned counsel for the respondents.

2. Learned counsel for the petitioner submits that pursuant to the order dated 04.08.2017 (Annexure-2 series at page 25), an amount of Rs. 66,148/- was quantified against the Mid-Day Meal Scheme for recovery. The recovery was directed





based on inspection of the school in question, which was carried out by comparing with the actual attendance of students over the previous week with the recorded attendance. On finding certain discrepancies, the amount in question was directed to be recovered, which the petitioner has already deposited. It is further submitted that the petitioner preferred an appeal before the Regional Deputy Director of Education, Saran, at Chapra, which has been disposed of by directing compliance with the order of the superior Authority issued vide Memo No. 748 dated 27.04.2018, the details of which has been mentioned in para-15 of the writ application. He further submits that, although he has appended the forwarding letter, the order passed by the Regional Deputy Director of Education in the appeal has not been appended with the writ petition, as despite his best efforts, he has been unable to contact the petitioner.

2. At this stage, learned counsel for the petitioner submits that, having been unable to obtain instructions from the petitioner, he does not wish to press the writ application.

3. On the other hand, learned counsel for the State submits that the recovery was made in accordance with prescribed parameters and after a physical inspection, and there is no infirmity in the process of quantification of dues, which





has already been deposited by the petitioner accepting the same. Despite several intimations to participate in the enquiry, the petitioner did not appear. Accordingly, based on the materials available on record and the actual attendance verified during inspection, the impugned orders were passed.

4. In view of the submission of the learned counsel for the petitioner that he has no instructions in the matter and this matter is getting adjourned for the last several dates, for appropriate instructions in this case, accordingly, it is dismissed.

5. However, liberty is restored with the petitioner to pursue his remedies if any fresh cause of action arises, from the aforesaid transactions.

(Ajit Kumar, J)

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