

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15803 of 2015

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Amit Kumar, S/o- Sri Nagina Singh, Prop.- Shivshakti Rice Mill, R/o- Village-
Khirlichiya, P.O.- Jokiya, PS.- Raxaul, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Food and Consumer Protection Department, State of Bihar, Patna.
2. The District Collector, District- East Champaran.
3. The Sub-Divisional Officer, District- East Champaran.
4. Bihar State Food and Civil Supplies Corporation Limited, through its Managing Director, Patna, Bihar.
5. The District Manager, Bihar State Food and Civil Supply Corporation Ltd. Motihari, East Champaran.
6. The Certificate Officer, East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra
For the Respondent-State : Mr. Suman Kumar Jha, AC to AAG-5
For the Respondent-BSFC : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 12-10-2015

Heard Mr. Krishna Mohan Mishra, learned counsel appearing on behalf of the petitioner, learned counsel for the State and Mr. Shailendra Kumar Singh, learned counsel appearing for the Bihar State Food and Civil Supplies Corporation.

The petitioner is aggrieved by the order dated 23.2.2015 passed by the District Certificate Officer, East Champaran at Motihari in Certificate Case No.19 of 2014-15.

A very limited issue has been raised by Mr. Mishra, learned counsel appearing for the petitioner to question the order impugned dated 23.2.2015 passed by the District Certificate Officer, East Champaran at Motihari. He submits that the order is non-speaking and does not reflect application of mind. The



arguments stand confirmed from the order whereby the District Certificate Officer in a sweeping manner has rejected the contentions advance by the certificate debtor without giving any reasons. The order is non-speaking and does not reflect any application of mind. The District Certificate Officer while adjudication on a certificate performs a quasi judicial function under section 10 of the Bihar and Orissa Public Demands Recovery Act, 1914 and his decision thereon thus should reflect an application of mind on the rival contentions. In the present case he has utterly failed to do so.

For the reasons aforementioned the impugned order dated 23.2.2015 passed in Certificate Case No.19 of 2014-15 cannot be upheld and is set aside. The matter is remitted back to the District Certificate Officer, East Champaran at Motihari for passing a fresh order in accordance with law and after hearing the parties.

The petitioner would appear before the District Certificate Officer, East Champaran along with a copy of this order on or before 2.11.2015 and whereafter he shall proceed in the manner indicated hereinabove.

The writ petition is allowed.

(Jyoti Saran, J)

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