

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7477 of 2015

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Md. Shamim Alam, son of Md. Kadir, resident of village- Kayastha Tola,
P.S. and District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Main Secretariat, Bihar, Patna.
2. The District Magistrate, Saharsa.
3. The Bihar State Food and Civil Supply Corporation through the
Managing Director Sone Bhawan Bir Chandra Patel Path, Patna.
4. The Managing Director, the Bihar State Food and Civil Supply
Corporation Sone Bhawan Bir Chandra Patel Path, Patna.
5. The District Manager, State Food Corporation, Saharsa.
6. The District Certificate Officer, Saharsa.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar Mishra, Advocate
For B.S.F.C.	:	Mr. Shailendra Kumar Singh, Advocate
For the State	:	M/s. R.N.Dubey, AAG-12 and Sanjeet Kumar Tiwari, A.C. to AAG-12

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 12-05-2015

I have heard learned counsel for the petitioner and the

learned counsel appearing for the Bihar State Food and Civil

Supply Corporation.

In view of limited prayer made at the time of hearing

on behalf of the petitioner, this writ application is being disposed

of with a direction to the respondents not to take coercive steps

against the petitioner for recovery of the certificate amount for a

period of two weeks from today within which the petitioner would

be at liberty to approach the appellate authority by filing an appeal

against the final order passed by the Certificate Officer.

However, it is made clear that this Court has not formed or expressed any opinion with respect to the merit of the case of the petitioner as the issues involved would have to be considered by the appellate authority itself on its own merit and in accordance with law. The present order is only being passed in view of the fact that the petitioner wants to avail the alternative remedy of appeal. He would also be at liberty to move before the appellate authority for grant of interim relief which would also be required to be considered by the appellate authority on its own merit.

However, if the petitioner fails to prefer any appeal within the aforesaid period of two weeks, then the Certificate Officer would be at liberty to proceed in accordance with law. However, this Court has not formed or expressed any opinion with respect to the merit of the case.

(Dr. Ravi Ranjan, J)

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