

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13009 of 2015

Shayama Nand Jha, S/o- Late Bindushar Jha, R/o- Parsagarhi, P.O- Parsagarhi, P.S.- Gadia, District- Supaul, presently working as Block Cooperative Extension Officer and posted at the Office of Assistant Registrar of Cooperative Society, District- Samastipur

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary Food and Consumer Department Patna, Bihar.
2. The District Collector, Darbhanga.
3. The Bihar State Food and Civil Supply Cooperation through its Managing Director, Soanbhavan, Patna, Bihar.
4. The District Manager State Food Corporation, District- Darbhanga.
5. The Additional Collector cum Certificate Officer, District- Darbhanga.

.... Respondents

Appearance :

For the Petitioner : Mr. Krishna Mohan Mishra, Advocate
For the State : Smt. Binita Singh, GP 30
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-09-2015

The present writ petition has been filed for quashing the order dated 25.06.2015 passed by the Certificate Officer, Darbhanga in Certificate Case No. 09 of 2014-15/ 08 of 2013-14 as being wholly without jurisdiction as the respondent-Corporation has not paid court-fees in terms of Section 5(2) of the Bihar & Orissa Public Demands Recovery Act (for short, "the Act").

2. It is submitted on behalf of the petitioner that the objection with regard to non-payment of court-fees by the respondent-Corporation was raised before the Certificate Officer and non-payment of such court-fees vitiates the entire proceedings.

3. A perusal of the impugned order dated 25.06.2015 passed by the Certificate Officer, however, discloses that the objection raised by the petitioner with regard to non-payment of court-fees has been duly dealt with by the Certificate Officer.

4. Learned counsel for the respondent-Corporation rightly submits that the remedy to the petitioner is available by way of statutory appeal under Section 60 of the Act.

5. In the above circumstances, this Court is not satisfied to interfere in the matter when the objection petition under Section 9 of the Act has been duly disposed of by the Certificate Officer by a speaking order in terms of the Section 10 of the Act.

6. The writ petition stands, accordingly, dismissed.

(Vikash Jain, J)

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