

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1309 of 2013

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1. Bentham Son of Sri Awadhesh Kumar Resident of Mohalla- Azad Nagar
Village Mohanpur, P.O.- Samastipur, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Development Department, Patna
2. The District Magistrate, Samastipur
3. The Deputy Development Commissioner, Samastipur
4. The Block Programme Officer, Block- Sarai Ranjan, District- Samastipur
5. The District Certificate Officer, Samastipur

.... Respondent/s

with

Civil Writ Jurisdiction Case No.19691 of 2012

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Bentham Son of Sri Awadhesh Kumar Resident of Mohalla- Azad Nagar
Village Mohanpur, P.O.- Samastipur, District- Samastipur

.... Petitioner/s

Versus

- The State of Bihar through the Secretary, Rural Development Department, Patna
2. The District Magistrate, Samastipur
 3. The Deputy Development Commissioner, Samastipur
 4. The Block Programme Officer, Block- Sarai Ranjan, District- Samastipur
 5. The Sub Divisional Certificate Officer, Samastipur

.... Respondent/s

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Appearance :

(In CWJC No.1309 of 2013)

For the Petitioner/s : Mr. Suraj Narain Yadav, Adv.

For the Respondent/s : Mr. G.K. Agrwal GA10

(In CWJC No.19691 of 2012)

For the Petitioner/s : Mr. Suraj Narain Yadav, Adv.

For the Respondent/s : Mr. Dhurjati Kr Prasad, GP7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

5 30-11-2015 The petitioner in each of the two writ petitions is aggrieved by the proceedings arising from Certificate Case Nos. 1 of 2012-13, 2 of 2012-13, 3 of 2012-13 and 4 of 2012-13 which is pending

before the District Certificate Officer, Samastipur in so far as C.W.J.C.No.1309 of 2013 is concerned and cases with identical number are also pending before the Sub Divisional Certificate Officer in so far as C.W.J.C. No. 19691 of 2012 is concerned.

Mr. Suraj Narayan Yadav has appeared for the petitioner in the two writ petitions to submit that although the petitioner only happens to be the Panchayat Technical Officer and although the certificate cases in question have been filed by the Block Programme Officer for misutilization of the fund allotted to the Panchayat under different schemes and although the petitioner has no role except for supervising of the work yet he has been made accused in the certificate case.

Mr. Yadav, submits that the petitioner has filed his objections in the batch of certificate cases pending before the District Certificate Officer as well as before the Sub-Divisional Certificate Officer but the same has not been disposed of despite the order passed by this Court on 30.7.2013.

Having heard learned counsel for the parties and considering the submission of Mr. Yadav appearing on behalf of the petitioner that objections have been filed by the petitioner under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as 'the Act') denying the

liability cast upon the petitioner has already been filed by him and
whereafter it is only the final order which is to be passed by the
Certificate Officer concerned under Section 10 of 'the Act' after
giving an opportunity of hearing to the concerned parties which
would include the petitioner also, the writ petitions are disposed of
with the direction to the District Certificate Officer as well as the
Sub Divisional Certificate Officer to consider and dispose of the
certificate proceeding Nos. 1, 2, 3, 4 of 2012-13 which are
pending before them respectively in accordance with law but only
after giving an opportunity of hearing to the petitioner and other
concerned parties.

(Jyoti Saran, J)

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