

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19452 of 2011

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Jaipal Sah, son of Yugal Sah, resident of Village-Derahi Pir Mokam, P.O.-Pir Mokam P.S. Falka, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Patna.
3. The District Magistrate, Katihar.
4. The Sub-Divisional Officer, Katihar, District-Katihar.
5. The Certificate Officer, Katihar, District-Katihar.
6. The Block Program Officer, Falka Block, District-Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam, Adv.

For the Respondent/s : Mr. Harendra Pd. Singh, GA-8

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-04-2016

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for quashing the notice dated 18.08.2011 issued by the Certificate Officer, Katihar in Certificate Case No. 02/2011-12 for recovery of the certificate amount of Rs. 3,20,261.90; as well as order issued under Memo No. 181 dated 04.08.2011 issued by the Block Programme Officer, Falka Block, District Katihar directing the petitioner to deposit the price of the respective quantities of rice at the rate of Rs. 1,370/- per quintal, towards the value of the undistributed rice given to him respectively

relating to the years 2004-05 and 2005-06 under Sampurn Gramin Rojgar Yojna for which a certificate proceeding is pending against the petitioner.

3. At the very outset, the parties have expressed their agreement that the matter is covered by the judgment of this Court dated 21.09.2015 passed in CWJC No. 5638 of 2011 (*Raiful Azam & Ors. Vs. State of Bihar & others*) and analogous cases, whereby, inter alia, a Three-Member Enquiry Commission had been constituted for detailed enquiry into the matter with regard to the charges of retention of rice by PDS dealers. It is submitted that the facts and circumstances of the present case are similar and as such, learned counsel for the petitioner requests that the present writ petition may also be disposed on the same lines.

4. In the above view of the matter and with consent of the parties, this writ petition is disposed of in line with the judgment of this Court dated 21.09.2015 passed in CWJC No. 5638 of 2011 (*Raiful Azam & Ors. Vs. State of Bihar & others*) and analogous cases, which shall accordingly govern the cases of the present petitioner as well.

(Vikash Jain, J)

Md. Ibrarul/-

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