

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16479 of 2012

=====

Murshida Khatoon Wife of Haji Md. Ilias, Resident of Village Prasadpur-Dumaria, Block Jokihat, P.S. Mahalgaon, District Araroa

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Araria.
3. Block Programme Officer, Jokhat, District Araria.
4. District Certificate Officer, Araria.
5. Panchayat Rojgar Sevak, Gram Panchayat Raj Prasadpur, Block Jokihat, P.S. Mahalgaon, District Araria, namely, Sandip Kumar son of Sri Suresh Thakur of village Kolhua P.S. Shankaripur, District Madhepura

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Hamendra Prasad Singh, Sr. Advocate
Mr. Uday Bhanu Roy,
Mr. Sunil Kumar,
Mr. Baleshwar Kamat, Advocates

For the Respondents : Mr. Sanjay Kumar, AC to GA 13

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-09-2016

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

2. The present writ petition has been filed for quashing the entire proceeding of Certificate Case No. 40/2011-12 pending in the court of District Certificate Officer, Araria whereunder notices have been issued to the petitioner to deposit Rs. 15,92,000/- for which requisition has been filed by the Block Programme Officer (Respondent no. 3).

3. Learned counsel for the petitioner submits that the certificate proceeding initiated against the petitioner alone for the recovery of the entire amount of Rs. 15,92,000/- said to have been withdrawn from the State Bank of India, Basantpur through 15 cheques, is arbitrary and unsustainable, considering that withdrawal of the

amount in question was made under the joint signature of the petitioner along with Panchayat Rojgar Sewak (Respondent No. 5), and hence, the petitioner alone cannot be made liable for the entire amount to be recovered. It is submitted that the Certificate Officer cannot legally proceed for recovery without first determining the amount of the petitioner's liability. It is further stated that an objection petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914 has been already filed before District Certificate Officer, Araria on 04.11.2011 (Annexure-5) which, however, remains pending.

4. Having regard to the nature of the grievance of the petitioner and in view of the pending objection petition aforesaid, the writ petition is disposed of with the observation that the Certificate Officer shall have regard to the said submission of the petitioner with respect to determination of the extent of her liability in view of the joint signature on the cheques of both the petitioner as well as the Panchayat Rojgar Sewak, while disposing of the objection petition on its own merits in accordance with law.

5. The writ petition stands disposed of.

B.T/-Ibrar

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.09.2016
Transmission Date	N/A

(Vikash Jain, J)