

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.12337 of 2011**

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Shyam Sundar Prasad S/O Late Dhaneshwar Prasad R/O Village Baliya Bujurg,  
P.S.-Akbarpur, Distt.-Nawada

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, The Department Of Rural Development Govt. Of Bihar Patna
3. The District Magistrate Nawada
4. The Deputy Development Commissioner Nawada
5. The Sub-Divisional Officer Rajauli, Nawada
6. The Block Development Officer, Akbarpur, Distt.-Nawada
7. The Block Supply Officer, Akbarpur Distt.-Nawada
8. The Principal Accountant General (Audit) Bihar, Bir Chand Patel Path Patna

.... .... Respondent/s

with

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**Civil Writ Jurisdiction Case No. 12632 of 2011**

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1. Vijay Kumar, son of late Basudeo Prasad, resident of Village and Police Station-  
Govindpur, District Nawada

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary The Department Of Rural Development Govt. Of Bihar Patna
3. The District Magistrate Nawada
4. The Deputy Development Commissioner Nawada
5. The Sub-Divisional Officer Rajauli, Distt. Nawada
6. The Block Development Officer Govindpur, Distt. Nawada
7. The Block Supply Officer Govindpur, Distt. Nawada.
8. The Principal Accountant General ( Audit) Bihar Bir Chand Patel Path Patna

.... .... Respondent/s

with

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**Civil Writ Jurisdiction Case No. 12823 of 2011**

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1. Bimla Devi W/O Late Raj Kumar Prasad R/O Vill.- Gola Bazar, Post Office-  
Barraji, Gram Panchayat- Kewali, Police Station & Block- Kaua Kole, Distt.-  
Nawada

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, The Department Of Rural Development Govt. Of Bihar, Patna

3. The District Magistrate, Nawada
4. The Block Development Officer Kaua Kole Distt.- Nawada
5. The Block Supply Officer Kaua Kole Distt.- Nawada
6. The Principal Accountant General (Audit) Bihar, Bir Chand Patael Path, Patna

.... .... Respondent/s

with

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**Civil Writ Jurisdiction Case No. 13159 of 2011**

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Arvind Kumar S/O Shiv Narayan Prasad Gupta R/O Mohalla- Gola Road, Nawada,  
P.S.- Nawada Town, Distt.- Nawada Town

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, The Department Of Rural Development, Government Of Bihar, Patna
3. The District Magistrate, Nawada
4. The Block Development Officer, Nawada Sadar, Distt.- Nawada
5. The Block Supply Officer, Nawada Sadar, Distt.- Nawada
6. The Principal Accountant General (Audit), Bihar, Birchand Patel Path, Patna

.... .... Respondent/s

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**Appearance :**

**(In CWJC No. 12337 of 2011)**

For the Petitioner/s : Mr. Jitendra Kumar Roy

For the Respondent/s : Mr. Rishiraj Sinha GP-19

**(In CWJC No. 12632 of 2011)**

For the Petitioner/s : Mr. Jitendra Kumar Roy, Adv.

For the Respondent/s : Mr. Shashi Bhushan Kr. SC-7

**(In CWJC No. 12823 of 2011)**

For the Petitioner/s : Mr. Jitendra Kumar Roy

For the Respondent/s : Mr. Amar Nath Deo SC-26

**(In CWJC No. 13159 of 2011)**

For the Petitioner/s : Mr. Jitendra Kumar Roy

For the Respondent/s : Mr. Rajesh Kr.Verma SC-27

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 04-03-2016**

The present writ petitions have been filed for quashing  
of the impugned orders against the petitioners respectively  
directing them to deposit the price of rice given to the

petitioners under S.G.R.Y. head left undistributed in the stock of the petitioners, being PDS dealers.

2. At the very outset, learned counsel for the petitioners invites attention to the judgment of this Court dated 21.09.2015 passed in C.W.J.C. No. 5638 of 2011 (*Raiful Azam & Ors. Vs. State of Bihar & others*) and analogous cases, *inter alia*, observing that 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 petitioners requests that the present writ petition may also be disposed on the same line. Learned counsel for the petitioners however submits that the said judgment has been carried in appeal by way of LPA before a Division Bench of this Court but the details of such appeal could not be made available. In view of the appeal claimed to be pending, it is submitted that the direction for payment of 50% of the price by the PDS dealers as given in para-103 of the judgment passed in C.W.J.C. No. 5638 of 2011 ought not to be required to be paid by the petitioners.

3. Learned counsel for the respondents accepts that the case of the petitioners would be covered by the said judgment passed in C.W.J.C. No. 5638 of 2011 and analogous cases and there is no objection in principle to the request of the

petitioners, except to the extent that the observations with regard to payment of 50% of the price would also govern the case of the petitioners.

4. A perusal of para-103 of the judgment dated 21.09.2015 aforesaid discloses that this Court had not given a direction for payment of 50% of the price as such, rather the PDS dealers had been permitted to make payment to the extent of 50% of the price in order to avail stay of recovery of the remaining amount. There appears to be no reason to take a different view in these cases.

5. In the above view of the matter, therefore, these writ petitions are disposed of on the same terms and in line with the judgment of this Court dated 21.09.2015 passed in C.W.J.C. No. 5638 of 2011 (*Raiful Azam & Ors. Vs. State of Bihar & others*) and analogous cases, and all the observations and directions contained therein shall accordingly apply to the present case.

**(Vikash Jain, J)**

Md. Ibrarul/-

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