

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22738 of 2011

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Dinesh Prasad Roy @ Dinesh Roy S/O Late Panchi Lal Roy Resident of Village-
Rahimapur, Panchayat- Pratappur, P.S- Awatar Nagar, Block- Dariyapur, District-
Saran (Chapra)

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat, Patna.
2. The Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
3. The Secretary, Rural Engineering Department, Government of Bihar, Patna.
4. The Commissioner, Saran Division, Chapra.
5. District Magistrate, Saran (Chapra).
6. The District Certificate Officer, Saran Chapra.
7. The Deputy Development Officer, Saran (Chapra)
8. The Block Development Officer, Dariyapur, Saran (Chapra)
9. Shri S.K. Sinha, the then Assistant Godown Manager, Dariyapur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. RAM KISHORE SINGH

For the Respondent/s : Mr. PRASOON SINHA GA2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-04-2016

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 04.11.2011 issued by the District Certificate Officer, Saran (Chapra)
under Section 7 of the Bihar and Orissa Public Demands Recovery Act ("PDR
Act" hereinafter) in Certificate Case No. 08 of 2011-12 for recovery of the
certificate amount of Rs. 2,74,000/- from the petitioner as sale proceeds of

the remaining 200 quintals of food grains supplied to him under Sampurna Gramin Rojgar Yojna for which a certificate proceeding is pending against the petitioner.

3. At the very outset, learned counsel for the petitioner invites attention to 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, thereby inter alia observing that a Three-Member Enquiry Commission had been constituted for detailed enquiry into the matter with regard to the charges on 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 line.

4. Learned counsel for the respondents accepts that the case of the petitioner may also be covered by the said judgment passed in CWJC No. 5638 of 2011 and analogous cases and there is no objection to the request of the petitioner.

5. In the above view of the matter and with consent of the parties, this writ petition is disposed of on the same directions and 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 and all

the observations and directions contained therein shall accordingly apply to
the present case.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	26.04.2016
Transmission Date	