

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1860 of 2015

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Shishir Kumar Son of Sri Nand Kishore Sinha, Resident of Village- Basauli P.O-
Vishunpur Titidha Via Bidupur (R.S.) P.S. - Rajapakar District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Panchayat Raj Department,
Government of Bihar, Patna.
2. Zila Parishad, Vaishali through its Chief Executive Officer.
3. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila
Parishad Vaishali.
4. Additional Chief Executive Officer, Zila Parishad, Vaishali-cum-Certificate
Officer, Vaishali District.
5. The District Engineer, Zila Parishad. Vaishali.
6. Head Clerk cum Accountant, Zila Parishad, Vaishali.
7. Office Clerk, Zila Parishad, Vaishali.
8. Sri Harendra Prasad Verma, Son of Not Known to the Petitioner. Retainer
Advocate, Zila Parishad, Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhimanu Sharma & Ms. Prakritita Sharma, Advocates.
For the State	:	Mr. M. K. Sinha, S.C. 1. Mr. Ashutosh Sinha, A.C. to S.C. 1.
For the Zila Prishad Vaishali	:	Mr. Nandan Prasad Singh & Mr. Ashok Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 14-03-2016

Heard learned counsel for the parties.

The present writ application has been filed for
quashing the entire proceeding of Certificate Case No. 13 of 2013-
14, passed by the District Certificate Officer, Vaishali.

Learned counsel for the petitioner submits that the
Certificate Case No. 13 of 2013-14 was initiated on the basis of
requisition dated 09.09.2013 sent by the Additional Chief
Executive Officer, Zila Parishad, Vaishali to the District Certificate
Officer, Vaishali under Letter No. 1058 and pursuant thereto the



case has been instituted and notice issued to the petitioner on 18.09.2013. He submits that mere comparison of the signatures on the two documents i.e., of the requisitionist and the Certificate Officer clearly indicates that it is one and the same person. He further submits that the mandatory requirement in law of signing the notice in Form-1 has not been done whereas Form-2 under the Public Demand Recovery Act has been signed by several persons including the retained counsel of the Zila Parashad, Vaishali which is also illegal.

Learned counsel for the Zila Parashad, Vaishali, which is the main contesting party, does not controvert the fact that the person who has signed on the requisition letter dated 09.09.2013 and the Certificate Officer who has instituted the case and issued notice to the petitioner are one and the same person. However, he prays to the Court that they be permitted to rectify the defect as by chance the requisitionist authority was also made one of the persons to act as Certificate Officer by the Collector, Vaishali at the relevant point of time.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is disposing off the matter on the short point of there being infraction of law which does not permit the requisitionist to be the Certificate Officer as no person can be a judge in his own cause. The admitted position being that the requisitionist as well as the Certificate Officer is one of the same persons in this case, the

proceeding cannot be sustained and accordingly, the institution as well as all subsequent orders passed in Certificate Case No. 13 of 2013-14 pending before the District Certificate Officer, Vaishali stands quashed.

The Court would like to make it clear that it has not gone into the merits of the case and it has decided the case on a short point.

The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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