

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2724 of 2015

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Shishir Kumar S/o 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.
5. The District Engineer, Zila Parishad, Vaishali.
6. Head Clerk cum Accountant, Zila Parishad, Vaishali.
7. Office Clerk, Zila Parishad, Vaishali.
8. The District Certificate Officer, Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhimanu Sharma, Advocate.
For the Respondent No. 2 to 7	:	Mr. Nandan Prasad Singh, Advocate.
For the Respondent No. 1	:	Mr. S. S. P. Sinha, A.C. to G.A. 13.

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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 to quash the entire proceeding of Certificate Case No. 2 of 2014-15, pending before the respondent no. 8.

Learned counsel for the petitioner submits that the most glaring infirmity in the entire proceeding, it is based on the requisition which itself is no requisition in the eyes of law. He draws the attention of the Court to the Form No. 1, which has been submitted to the Certificate Officer which clearly indicates that all the columns have not been filled up by the Certificate Officer, Vaishali which has been held to be a mandatory



requirement. For such proposition learned counsel has relied upon the Division Bench decision of this Court in the case of **Nageshwar Prasad Singh vs. R.B. Kashinath Singh reported in 1958 BLJR 820**, which has also been followed by the other Benches subsequently. In continuation of his objection of there not being a proper certificate signed by the Certificate Officer, learned counsel has further submitted that even the requisition by the Zila Parishad, Vaishali in Form No. 2 has not been properly verified. He submits that this discrepancy of there being no proper verification in the eyes of law, the requisition itself cannot be sustained. For such proposition learned counsel has relied upon the Division Bench judgment of this Court in the case of **Hari Prasad Agarwalla vs. State of Bihar** reported in **A.I.R. 1976 Pat. 217** dated 25.07.1975.

Learned counsel for the respondents, particularly, the Zila Parishad, Vaishali is not in a position to controvert the aforementioned facts.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, on the short point of there being infraction of the mandatory legal requirement both at the stage of sending a requisition in Form-2 and the Certificate being issued under Form-1 not having been complied with, the requisition as well as the entire proceeding stand vitiated. Accordingly, the entire Certificate Case No. 2 of 2014-15 pending before the respondent no. 8 stands quashed.

The writ petition stands disposed off in the
aforementioned terms.

The Court makes it clear that the matter has been
decided on the short legal point without going into any other
aspect.

(Ahsanuddin Amanullah, J.)

P. Kumar

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