

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21042 of 2012

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Rajiv Ranjan, Son of Late Bhishm Kumar, Resident of Village - Kasian,
P.S. - Dumraon, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Agriculture Department, Govt. of Bihar, Patna
3. The Director Agriculture, Agriculture Directorate, Govt. of Bihar, Patna
4. The District Magistrate, Buxar
5. The District Agriculture Officer, Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Respondent/s : Mr. Prasoon Sinha Ga2

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 12-01-2016 Heard Mr. Abhay Shankar Singh for the petitioner
and AC to GA-2 for the State.

A counter affidavit has been filed on behalf of the
respondents affirmed by District Agriculture Officer, Buxar.

Petitioner claims subsidy on having purchased
combined harvester under the National Agriculture Development
Programme (for short NADP). It is stated that on advertisement
issued in this regard petitioner applied and was selected as eligible
agriculturist vide communication dated 17.03.2008 (referred in
Annexure-1 to the writ application). His case was forwarded to the
Director Agriculture, Government of Bihar, Patna. The matter
remained pending and in the meanwhile those, who applied

second to the petitioner, were granted subsidy for the years 2007-08 and 2008-09. In such circumstance, the writ application has been filed with the aforesaid relief.

No counter affidavit, however, has been filed on behalf of the District Magistrate, Buxar. In the counter affidavit affirmed by the District Agriculture Officer, Buxar the factum of petitioner having applied for grant of subsidy for the said financial year(s) has not been disputed. It has been stated that his case was forwarded to the Director Agriculture for consideration and approval. Annexure-A to the counter affidavit has been relied by the respondents to contend that the Government in the Department of Agriculture vide communication dated 12.06.2009 informed the District Agriculture Officer to get the approval/ sanction of the District Magistrate before releasing the subsidy in favour of the applicant(s). In other words, the Director Agriculture was not required to be consulted in the matter of grant of subsidy under the said NADP as the District Magistrate was the final authority.

Counsel for the State has submitted that the petitioner purchased the combined harvester without prior approval of the Department. In my view, these matters are required to be considered by the District Magistrate while granting approval for payment of subsidy to the petitioner under NADP.

One fact is, however, apparent that persons, who applied after the petitioner, were granted the said subsidy as per the information supplied to the petitioner under Right to Information Act, copy whereof has been annexed as Annexure-8 series.

Taking into account the rival submissions of the parties, in my view, the ends of justice shall be subserved if the writ application is disposed of directing the respondent District Agriculture Officer, Buxar to place the case of the petitioner before the respondent District Magistrate, Buxar for consideration as to whether the petitioner is entitled to the subsidy on purchase of the combined harvester in the year 2008 by crediting the amount in the loan account of the petitioner. The District Agriculture Officer, Buxar shall take necessary steps in this regard within two weeks from the date of production of a copy of this order before him.

(Kishore Kumar Mandal, J)

Rajesh/-

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