

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2539 of 2013**

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Shambhu Nath Rai, S/O Late Sakhi Chandra Rai, R/O Village- Lal Pokhra  
Jagdishpur, P.O.- Dighi Kala, P.S.- Hajipur, District- Vaishali, Bihar.

.... .... Petitioner/s

Versus

1. The Union of India through Principal Secretary, Ministry of Communications, Department of Telecom Services, 415, Sanchar Bhawan, 20, Ashoka Road, New Delhi.
2. Chief General Manager, Bihar Telecom Circle, Patna.
3. Assistant Director General (PHP), Department of Telecom Services, Bihar Circle, Patna.
4. Dy. General Manager (Operation), Bihar Telecom Circle, Patna.
5. Bharat Sanchar Nigam Limited through Telecom District Manager, Hajipur (Vaishali).
6. Accounts Officer, O/O T.D.M., Hajipur (Vaishali).
7. Certificate Officer, Vaishali, Hajipur, Bihar.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Aditya Prakash Sahay  
For the Respondent-State : Mr. Prabhat Ranjan, AC to GP-12  
For the Respondent-BSNL : Mr. Ranjit Sinha

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

7      07-04-2016                      Heard Mr. Aditya Prakash Sahay, learned counsel  
  
appearing for the petitioner, counsel for the State and counsel for  
the respondent Bharat Sanchar Nigam Limited (hereinafter  
referred to as the 'BSNL').

The petitioner is aggrieved by the initiation of a  
certificate case bearing Certificate Case No.29 of 2005-06 which  
is pending before the Certificate Officer, Vaishali at Hajipur and  
initiated for recovery of the dues towards the telephone calls  
made by the petitioner.

Although Mr. Aditya Prakash Sahay, learned counsel  
appearing for the petitioner laboured hard to contest that the

dues in question does not fall within the category of public demand and the fact that the dues payable to the Government of India cannot be a subject-matter of proceeding of Bihar and Orissa Public Demands Recovery Act, 1914 as well as the fact that the petitioner having been nominated as a Member of the Telephone Advisory Committee on 7.1.2000 whatsoever was the dues during the period was to be adjusted against the facility provided in the appointment order, a copy of which is present at Annexure-1 but in my opinion these are issues which would be best raised by the petitioner before the Certificate Officer and who shall consider and dispose of the same accordingly. This Court however is not persuaded to interfere with the certificate proceedings at this nascent stage.

In the nature of the order passed by this Court hereinabove, the petitioner would be at liberty to pray for interim protection during the pendency of the certificate proceedings which should be considered by the Certificate Officer on its own merit. It is made clear that this Court has expressed no opinion on the merits of the contest.

The writ petition is disposed of accordingly.

**(Jyoti Saran, J)**

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