

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.6017 of 2017**

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Ravi Bhushan Jha, Son of Vidya Bhushan Jha, Resident of Mohalla - Kailashpuri,  
P.S. Dumra, District - Sitamarhi Posted as Executive Assistant, Runnisaidpur  
Purchase Centre

.... .... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna
2. The Development Commissioner, Bihar, Patna
3. The District Magistrate, Sitamarhi
4. The District Supply Officer, Sitamarhi
5. The Sub - Divisional Officer, Sitamarhi Sadar
6. The Block Development Officer, Dumra, Sitamarhi
7. The Bihar State Food and Civil Supplies Corporation, Patna through its Managing Director
8. The District Manager, Bihar State and Civil Supplies Corporation Ltd., Sitamarhi
9. The District Certificate officer, Sitamarhi
10. The Deputy Manager ( Claim ), S.F.C., Bihar, Patna

.... .... Respondent/s

with

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**Civil Writ Jurisdiction Case No. 7009 of 2017**

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Shiv Shakti Kumar, son of Sri Rajaram Jha, Resident of Village- Parsauni, P.S.-  
Dumra, District- Sitamarhi posted as Executive Assistant, Purchase Centre, Belsand  
BSFC, Sitamarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Development Commissioner, Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. The District Supply Officer, Sitamarhi.
5. The Sub-Divisional Officer, Sitamarhi Sadar.
6. The Block Development Officer, Dumra, Sitamarhi.
7. The Bihar State Food and Civil Supplies Corporation, Patna through its Managing Director.
8. The District Manager, Bihar State and Civil Supplies Corporation Ltd., Sitamarhi.
9. The District Certificate Officer, Sitamarhi.
10. The Deputy Manager (Claim), S.F.C., Bihar, Patna.

.... .... Respondent/s



**Appearance :**

(In CWJC No.6017 of 2017)

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.

For the BSFC : Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr. S.Raza Ahmad-AAG5

(In CWJC No.7009 of 2017)

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.

For the BSFC : Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr. S.Raza Ahmad-AAG5

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

ORAL JUDGMENT

**Date: 11-10-2017**

Learned counsel for the B.S.F.C. undertakes that he will deposit the deficit stamp within a period of three weeks from today.

In both the cases, an identical issue has been raised by the petitioners that the proceeding of P.D.R. lodged against the petitioners is not sustainable in law as the petitioners have relationship of master and servant and, for any defalcation or shortage, the amount cannot be recovered under the Bihar and Orissa Public Demand Recovery Act.

While taking service, there was an agreement between the petitioners and the employer that any loss or shortage will be indemnified by the petitioners and the amount of indemnification or the shortage would be recovered under the Public Demand Recovery Act. The appointment, which is in the nature of agreement, itself mentions specifically the mode and manner of recovery of the said amount.

In that view of the matter, the point which has been



raised by the petitioners that the money cannot be recovered under the P.D.R. Act is not sustainable in law and this Court does not find any merit in the present writ applications.

However, liberty is given to the petitioners, if so advised, may file an objection under Section 9 of the P.D.R. Act. If the petitioners file an objection, the authority will be obliged to consider the same and will take decision in accordance with law.

With the aforementioned observation and direction, both the writ applications are disposed of.

(Shivaji Pandey, J)

Rishi/-

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| AFR/NAFR          | NAFR       |
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