

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5835 of 2017

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1. Ravi Bhushan Jha, Son of Vidya Bhushan Jha, Resident of Mohalla-Kailashpuri, P.S.- Dumra, District- Sitamarhi, Posted as Executive Assistant, Purchas Centre, Bathnaha 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 Food and Civil Supplies Corporation Ltd. Sitamarhi.
9. The District Certificate Officer, Sitamarhi.
10. The Deputy Manager (Claim), S.F.C., Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur
For the Respondent/s : Mr. Sanjay Kr. Giri- GP9
For BSFC : Mrs. Namrat Mishra

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 03-10-2017 Heard learned counsel for the petitioner and learned
counsel for the BSFC.

In the present case, petitioner is challenging the entire
certificate proceeding.

Petitioner was appointed on contract basis and was
posted as Executive Assistant in the Paddy Purchase Centre,
Bathnaha, SBSFC, Sitamarhi. In the appointment letter it has
been mentioned that in the event of any defalcation the same
could be recovered under the Bihar and Orissa Public



Demands Recovery Act, 1914.

In such situation, holding the case is not maintainable and is not sustainable but in the present case petitioner has filed an objection under Section 9 of the Public Demands Recovery Act and the same is pending Before disposal of the same the Certificate Officer has issued a warrant of arrest. The Certificate Officer before issuance of any warrant is required to dispose of the objection filed by the petitioner. It is not expected that Certificate Officer will issue warrant of arrest without its disposal.

In such view of the matter, the order dated 14.7.2017 issuing body warrant is hereby set aside and matter is remanded back to the Certificate Officer, Sitamarhi who will examine the case of the petitioner and pass a reasoned order granting certain time to deposit the money. In failure, the Certificate Officer will be at liberty to take action in accordance with law.

With the aforesaid observation and direction this writ petition is disposed of.

Vinay/-

(Shivaji Pandey, J)

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