

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10033 of 2017

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1. Shivraj Bahadur Sinha, Son of Late Gauri Shankar Prasad, Resident of Village-Jaibar, P.O.- Nadghat, Police Station- Gauri Chak, District- Patna (Block Co-operative Extension Officer-uner Suspension).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food & Civil Supplies Department, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Bihar State Food and Civil Supplies Corporation, Patna through its Managing Director.
4. The District Manager, Bihar State Food and Civil Supplies Corporation, Sitamarhi.
5. The District Certificate Officer, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the BSFC : Mr. Harish Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-10-2017

Heard learned counsel for the petitioner and learned counsel for the BSFC.

In the present case, petitioner is challenging the orders dated 9.5.2016/12.5.2016 passed by District Certificate Officer, Sitamarhi in Case No. 8 of 20915-16 by which body warrant has been issued against him.

Learned counsel for the petitioner submits that though originally petitioner was posted as Block Co-operative Extension Officer Sonebarsa, Sitamarhi but he was deputed as Supervisor



for Sonebarsa Block Paddy Procurement Centre during the period 2013 and 2013-14 ending on 15.4.2014. BSFC incurred a loss on account of damage paddy which comes to Rs.57,02,947.25 and ultimately a certificate proceeding has been initiated against him. He was posted at Procurement Centre and he had no concern with the auction of paddy stacked at Godown which was conducted by another person.

These are questions of merit cannot be adjudicated in the present proceeding will be seen by the Certificate Officer. Though petitioner has appeared before Certificate Officer but has not filed objection under Section 9 of the Public Demands Recovery Act and Certificate Officer without passing the final order has issued warrant of arrest against the petitioner though although he participated in the proceeding.

In such view of the matter, petitioner is directed to file an objection under Section 9 of the Public Demands Recovery Act within a period of 30 days from today. If he files objection within the aforesaid period the Certificate Officer, Sitamarhi will not take coercive action against the petitioner but if he fails to file the objection, in such circumstances, the Certificate Officer, Sitamarhi will be at liberty to take action against the petitioner in accordance with law. If petitioner files objection within the



period aforesaid, till disposal of objection by reasoned order, no coercive action would be taken by the Certificate Officer.

With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	7.10.2017
Transmission Date	NA

