

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.349 of 2015
IN
Civil Writ Jurisdiction Case No. 2813 of 2007**

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Braj Mohan Prasad son of Late Tarkeshwar Prasad, resident of New Colony,
Belwarganj, Police Station- Agam Kuan, District- Patna.

.... Appellant

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Health Department.
2. The Commissioner-cum-Secretary, Health Department, Government of Bihar, Patna.
3. The Director-in-chief, Health Department of Bihar, Patna.
4. The Director, T.B. Demonstration and Training Centre, Agam Kuan, Patna-7
5. The Certificate Officer-cum-Additional District Magistrate, Patna.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Vidya Sagar

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 30-06-2017

The appeal is dismissed because adjudication has already been made in a previous writ application of this appellant that the dues for which the certificate proceeding has been initiated is a public demand and it is such an adjudication based on which the learned single Judge dismissed the writ application on 09.12.2014 refusing to entertain the writ application but giving leeway to the appellant to exhaust the remedy within the Bihar and Orissa Public Demand Recovery Act, which is a complete code by itself.

There is no infirmity in the decision of the learned



single Judge. The Certificate Officer is now directed to ensure that the matter is expeditiously decided within a period of six months since the initiation was made in the year 2004 and we are already half way through year 2017.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	NAFR
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