

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20372 of 2011

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1. Amrendra Rai Son Of Late Chandradeo Rai Resident Of Village-Kurshandi,
Block-Puraini, District-Madhepura. Petitioner/s

Versus

1. The State Of Bihar.
2. The Commissioner Cum the Secretary, Flood Control, Old Secretariat, Patna.
3. The District Magistrate Madhepura.
4. The Deputy Development Commissioner, Madhepura.
5. The District Certificate Officer Madhepura.
6. The Deputy Collector Land Reforms, Udakishunganj, District Madhepura.
7. The Sub Divisional Officer, Udakishunganj, Madhepura.
8. The Block Development Officer, Puraini Udakishunganj, District Madhepura.
9. The District Manager, Bihar State Food and Civil Supply Corporation Limited,
Puraini Udakishunganj, Madhepura.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 21716 of 2012

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1. Vinod Kumar Choudhary S/O Late Valmiki Choudhary R/O Vill-Lohchi, P.S.-
Kharagpur, Distt-Munger

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Development Commissioner, Distt-Munger
3. The District Magistrate, Munger
4. The Block Development Officer, Block-Kharagpur, Distt-Munger
5. The Panchayat Secretary, Nanki, P.S.-Kharagpur, Distt-Munger
6. The Mukhiya , Nanki, P.S.-Kharagpur, Distt-Munger
7. The Certificate Officer, Munger
8. The District Engineer, Munger

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 21748 of 2012

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1. Most. Daro Devi @ Dharo Devi W/O Late Satish Prasad Singh Resident Of
Village - Jitwarpur P.S. - Kharagpur District - Munger

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Development Commissioner, District Munger
3. The District Magistrate, Munger
4. The Block Development Officer Block - Tetia Bambar, District - Munger



5. The Panchayat Secretary, Jitwarpur P.S. - Kharagpur District Munger
6. The Mukhiya, Jitwarpur P.S. - Kharagpur District Munger
7. The Certificate Officer, Kharagpur, Munger

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra Ms. Sushmita Mishra Mr. Chandan Priyadarshi
For the Respondent No. 4. (DDC Madhepura)	:	Mrs. Sunita Kumari
For the State	:	Mr. Ashish Kumar Lal, A.C. to G.A.-5
For the BSFC	:	Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT

Date: 08-03-2017

Heard learned counsel for the petitioner and learned counsel appearing on behalf of respondent No. 4 as well as learned counsel for the Bihar State Food and Civil Supplies Corporation.

The present writ applications are being heard together as the issues involved, questions of law, in fact, or in law are similar to the writ application bearing C.W.J.C. No. 5638 of 2011 Raiful Azam Vs. State of Bihar and other analogous cases.

In the said case this Court had been pleased to set up a Three Men Committee and had issued certain directions with regard to similarly situated P.D.S. dealers. Such P.D.S. dealers who were faced either certificate proceedings or criminal cases against them in the said writ application, which has since been disposed of vide order dated 21.09.2015, wherein the Court has directed to set up a commission of enquiry and the details of the order (operative portion)



are quoted hereunder for ready reference:-

“95. The Three Men Enquiry Commission shall start functioning from 2nd November, 2015 and after deciding the manner of its functioning, it shall also proceed to conduct hearing district-wise by issuing a notice in the newspaper containing the name of the P.D.S. dealers of that district as also the officials who are found to be posted on different posts right from the Divisional Commissioner to the Block Development Commissioner/Panchayat Secretary of that district. It is in this way that for each of the district, the Three Men Enquiry Commission shall judge the individual responsibility of the P.D.S. dealers and/or government officials or both and on the basis of the evidence to be adduced by them.

96. It will be always open for the P.D.S. dealers including the writ petitioners as also the concerned government officials to file their separate applications before the Enquiry Commission explaining their cases as also adduced evidence before the Enquiry Commission on or before 30.11.2015 or by any further extended period under the order of the Enquiry Commission.

97. The Enquiry Commission in course of district-wise hearing shall afford an opportunity to both the P.D.S. dealers as well as officials of the State Government either in person or through authorized counsel.

98. The Enquiry Commission irrespective of filing of such individual application by the P.D.S. dealers shall process to conduct hearing on the photocopy of the complete records of these five writ applications which shall be made available to the Enquiry Commission by the Secretary of Rural Development Department.

100. The Secretary of the Rural Development Department and for that purpose any other authority of the State Government if required to produce any record or evidence before the Enquiry Commission shall be bound to produce those records for smooth functioning of the Enquiry Commission.

102. As noted above, under the different orders of the authorities as well as interim orders passed by this Court, certain amount of payment has already been paid by the petitioners P.D.S. dealers for staying of the further proceedings of pending certificate cases.

104. In order to enable the P.D.S. dealers including the petitioners to get stay of the certificate proceeding, the amount of deposit of 50% of the certificate amount can be paid in three equal monthly installments.”

It appears that the present case is squarely covered by the



decisions as cited above in the case of Raiful Azam (supra) and the petitioners, if so want, can avail their interim order only after following the directions passed by this Court in the earlier case.

As such, this Court does not intend to proceed further in the matter and disposes off these writ applications in the light of the orders passed by the Court in C.W.J.C. No. 5638 of 2011.

(Anjana Mishra, J)

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