

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16130 of 2017

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Kaushal Kumar, S/o Late Jagdish Kumar Vidyarthi, resident of Village & Mohabbatpur, P.O.- Mohabbatpur Via Dewariya Kothi, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The District Supply Officer-cum- Certificate Officer, Muzaffarpur.
4. The District Program Officer, (S.I.A. & Establishment) Muzaffarpur.
5. The Block Education Officer, Paroo, Muzaffarpur.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. N.C.Verma
Mr. Ram Kumar Verma, Advocates
For the Respondent/s : Mr. JITENDRA KUMAR ROY NO-1 -SC13

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-05-2018

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

2. This writ petition has been filed for quashing the entire certificate proceeding initiated against the petitioner in Certificate Case No. 01/16-17 and for connected reliefs.

3. The immediate concern of petitioner in this case is that a certificate proceeding has been initiated against him in connection with the dues amounting to Rs. 73,98,883/- recoverable in terms of the notice dated 06.06.2017 issued by the District Supply Officer-cum-District Certificate Officer, Muzaffarpur in Certificate Case No. 01/16-17.

4. Learned counsel for the petitioner submits that the entire certificate proceeding is wholly illegal and without authority of law as a



defective requisition has been issued with a number of blanks, such as the date, verification and certification of the amount. Reliance is placed on the decisions of this Court rendered in *Hari Prasad Agrawal Vs State of Bihar reported in 1975 BBCJ 723* and also in *M/s Vishnu Sugar Mills Ltd. Vs. The State of Bihar & others reported in 2015(1) PLJR 863* wherein the entire proceeding is held to be without jurisdiction for want of proper requisition and certificate.

5. Learned counsel for the respondents appears and has been heard.

6. In view of the defects in the requisition and the certificate as pointed out by the petitioner and in respect of which objection was also taken before the Certificate Officer, this Court is of the view that the entire certificate proceeding in Certificate Case No. 01/16-17 has not been validly initiated and the same is accordingly set aside, with liberty to the respondents to take fresh steps for recovery of the outstanding dues, if so advised, in accordance with law.

7. It is made clear that in the meantime, the Certificate Officer, Muzaffarpur shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 01/16-17.

8. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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